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U.S. Department of Justice
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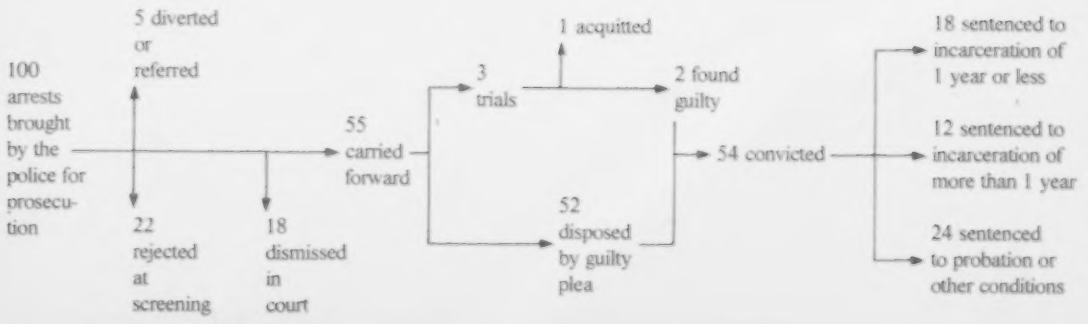
Bureau of Justice Statistics

The Prosecution of Felony Arrests, 1986

Typical outcome of 100 felony arrests brought by police for prosecution


100 arrests brought by the police for prosecution
5 diverted or referred
22 rejected at screening
18 dismissed in court
55 carried forward
3 trials
1 acquitted
2 found guilty
52 disposed by guilty plea
54 convicted
18 sentenced to incarceration of 1 year or less
12 sentenced to incarceration of more than 1 year
24 sentenced to probation or other conditions

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The Prosecution of Felony Arrests, 1986

By Barbara Boland
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June 1989
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U.S. Department of Justice
Bureau of Justice Statistics

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3b	27	11a	72
5b	37	12b	79
7b	47	14b	90
8a	51		

Manhattan, New York 1986

1a	20	8b	52
2b	23	9c	61
3c	28	10a	68
4a	32	11b	73
5c	38	12c	80
6a	44	13a	85
7c	48	14c	91

New Orleans, Louisiana 1986

2c	24	7d	48
3d	28	8c	53
5d	39	9d	62
6b	44		

Portland, Oregon 1986

1b	20	8d	54
2d	24	9e	63
3e	29	10b	69
4b	33	11c	74
5e	40	12d	81
6c	45	13b	86
7e	49	14d	92

Rhode Island 1986

1c	21	7f	49
2e	25	8e	55
3f	29	9f	64
6d	45		

St. Louis, Missouri 1986

2f	25	9g	65
3g	30	11d	75
5f	41	12e	82
6e	46	13c	87
7g	50	14e	93
8f	56		

San Diego, California 1986

1d	21	8g	57
2g	26	9h	66
3h	30	10c	70
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Washington, D.C. 1986

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Introduction

The Prosecution of Felony Arrests, 1986 is the sixth in a series of statistical reports describing the prosecution of adult felony arrests in urban prosecutors' offices. This report includes information on 28 jurisdictions and presents data on cases disposed in 1986.*

This series of reports provides statistics on what happens to criminal cases between arrest and incarceration and explains the role of the prosecutor in the felony disposition process. The FBI's Uniform Crime Reports record the number of serious crimes reported to the police and the number of serious crimes for which an arrest is made. The National Prisoner Statistics series provides data on defendants sentenced to prison. The Prosecution of Felony Arrests reports address the question of what happens between arrest and admission to prison.

In this report, statistics are presented on--

- declinations by the prosecutor,
- dismissals in court,
- convictions by guilty plea or trial,
- acquittals at trial,
- sentences to incarceration, and
- elapsed time from arrest to disposition.

Appendix A provides case-processing statistics by crime type and defendant characteristics. This 1986 edition is the first report in the series to provide felony disposition statistics by defendant age, sex, and race. Appendix B provides descriptions of the felony disposition process in each of the 28 participating jurisdictions.

This 1986 edition marks the initiation of a new sample design. Ultimately, the new sample will include close to 50 jurisdictions and will be nationally representative of the largest 200 prosecutors' offices. This report includes 18 jurisdictions that have participated in previous editions and 10 new jurisdictions. Complete implementation of the new sample design will require the addition of another 20 new jurisdictions.

Also beginning with the 1986 edition a new data collection methodology has been implemented. In prior reports felony arrest disposition statistics were collected on a "cases initiated" basis. That is, felony arrests presented by the police for prosecution in a given year (1982, for example) were tracked to final disposition in 1982 or subsequent years. The disadvantage of this approach is that a waiting period of close to 2 years is required to make sure that an adequate number of cases with long disposition times are counted. The 1986 data were collected on a "cases disposed" basis. This approach includes felony arrests that reach disposition in 1986 by declination, dismissal, guilty plea, or trial. Arrests disposed in 1986 may have originated in 1986 or any year previous to 1986. A cases-disposed methodology allows for the more timely publication of disposition statistics.

*See table 1 for a list of participating jurisdictions. The previous editions of the series are: Kathleen Brosi, A Cross-City Comparison of Felony Case Processing (Washington, D.C.: USGPO, 1979); Barbara Boland et al., The Prosecution of Felony Arrests, 1979 (Washington, D.C.: USGPO, 1983); Barbara Boland and Elizabeth Brady, The Prosecution of Felony Arrests, 1980 (Washington, D.C.: USGPO, 1985); Barbara Boland and Ronald Sones, The Prosecution of Felony Arrests, 1981 (Washington, D.C.: USGPO, 1986); and Barbara Boland et al., The Prosecution of Felony Arrests, 1982 (Washington, D.C.: USGPO, 1988).

Chapter I

Overview

In 1986 the FBI reported that the police arrested 1.8 million adults for serious crimes. According to National Prisoner Statistics on new imprisonments, in 1986 judges sentenced 203,315 adults to State and Federal prisons.* Very few serious arrests--it appears 11 out of every 100--result in the defendants' being sent to prison.

What happens to the other 89 arrests, or more precisely to all adult arrests for felony crimes, is the subject of the Prosecution of Felony Arrests series.

What happens to felony arrests?

The data collected for this report indicate that for every 100 adult arrests for a felony, 54 will result in a conviction to either a felony or a misdemeanor (figure 1). Of those 54--

- 52 will be guilty pleas, and
- 2 will be convictions at trial.

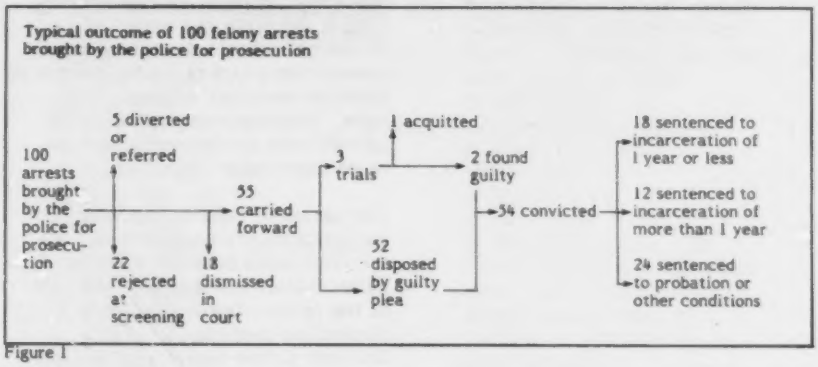
Of the 54 arrests resulting in conviction, 30 will lead to a sentence of incarceration--

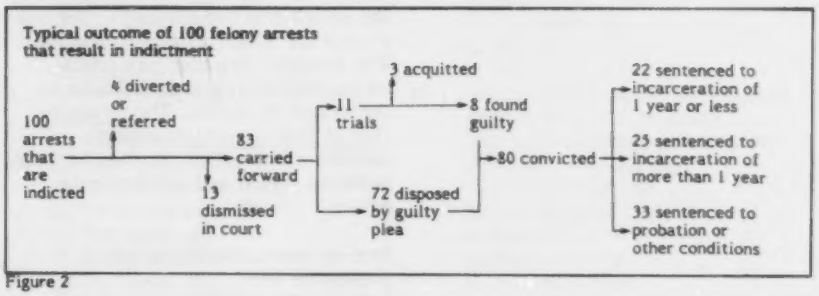
- 18 will result in a sentence of 1 year or less, and
- 12 will result in a sentence of more than 1 year.

Of the 46 arrests that do not result in conviction--

- 5 will result in the defendants' being referred to diversion programs or to other courts for prosecution,
- 22 will be rejected for prosecution at screening, before court charges are filed,
- 18 will be dismissed in court, and
- 1 will result in an acquittal at trial.

*Federal Bureau of Investigation, Crime in the United States 1986, U.S. Department of Justice (Washington, D.C.: USGPO, 1986). Bureau of Justice Statistics, Correctional Populations in the United States, 1986, National Prisoner Statistics series, U.S. Department of Justice (Washington, D.C.: USGPO, 1988).


Typical outcome of 100 felony arrests brought by the police for prosecution
100 arrests brought by the police for prosecution
5 diverted or referred
22 rejected at screening
55 carried forward
18 dismissed in court
3 trials
1 acquitted
2 found guilty
52 disposed by guilty plea
54 convicted
18 sentenced to incarceration of 1 year or less
12 sentenced to incarceration of more than 1 year
24 sentenced to probation or other conditions
Figure 1


Typical outcome of 100 felony arrests that result in indictment
100 arrests that are indicted
4 diverted or referred
13 dismissed in court
83 carried forward
11 trials
3 acquitted
8 found guilty
72 disposed by guilty plea
80 convicted
22 sentenced to incarceration of 1 year or less
25 sentenced to incarceration of more than 1 year
33 sentenced to probation or other conditions
Figure 2

The majority of felony arrests are disposed before they reach the felony court

In some jurisdictions as many as three-quarters of all felony arrests are disposed prior to indictment or bindover to the felony court. These pre-indictment or pre-bindover dispositions include rejections at screening, before any court charges have been filed, and dispositions in the lower (or misdemeanor) court either by a dismissal or a misdemeanor conviction. Of the arrests that are carried forward to the felony court, most end in a guilty plea or trial.

For every 100 felony arrests disposed in the felony court, 13 are dismissed, 4 are diverted or referred, 72 result in a guilty plea, and 11 go to trial (figure 2). Eight of the 11 trials end in a conviction. Of the 80 convictions, 47 end in a sentence of incarceration--

- 22 result in a sentence of 1 year or less, and
- 25 result in a sentence of more than 1 year.

The participating jurisdictions

The 28 prosecutors' offices included in this report represent urban areas, where most crimes are committed. In most of the participating jurisdictions one or two cities account for the majority of cases presented for prosecution, although the legal jurisdiction typically covers an entire county (table 1).

In this report felony arrest outcomes are reported for three measures:

All felony arrests, which includes arrests declined for prosecution as well as arrests filed with the court and disposed in either the felony court or the lower (misdemeanor) court.

Table 1. Participating jurisdictions

Major city in jurisdiction	Legal jurisdiction	1984 population of legal jurisdiction	1984 crime rate per 100,000	1984 violent crime rate per 100,000
Los Angeles, California	Los Angeles County	7,988,048	7,287	1,185
Chicago, Illinois[a]	Cook County	5,279,096	7,741	1,424
Detroit, Michigan	Wayne County	2,231,417	10,255	1,468
San Diego, California	San Diego County	2,041,026	5,598	525
Miami, Florida	11th Judicial Circuit	1,796,946	9,893	1,616
Dallas, Texas	Dallas County	1,713,647	9,346	861
Philadelphia, Pennsylvania	Philadelphia County	1,667,545	4,950	936
Manhattan, New York[b]	New York County	1,447,758	14,315	2,698
Pittsburgh, Pennsylvania	5th Judicial District	1,409,153	3,799	438
Minneapolis, Minnesota	Hennepin County	962,892	5,671	472
Rhode Island	Rhode Island	962,000	4,751	333
Columbus, Ohio	Franklin County	862,284	6,794	579
Indianapolis, Indiana	Marion County	760,184	6,050	721
Riverside, California	Riverside County	743,471	7,089	647
Washington, D.C.	Washington, D.C.	623,000	8,798	1,799
New Orleans, Louisiana	Orleans Parish	576,071	8,155	1,507
Portland, Oregon	Multnomah County	565,946	11,530	1,478
El Paso, Texas	34th Judicial District	528,536	6,045	736
St. Louis, Missouri[c]	St. Louis City	442,528	10,673	1,747
Springfield, Massachusetts	Hampden County	397,789	4,682	846
Annapolis, Maryland	Anne Arundel County	388,659	4,362	415
Littleton, Colorado	18th Judicial District	343,865	6,774	595
Manchester, New Hampshire	Hillsborough County	292,964	3,455	174
Virginia Beach, Virginia	Virginia Beach City	290,678	5,075	219
Geneva, Illinois	Kane County	282,558	4,709	339
Brighton, Colorado	17th Judicial District	225,240	7,282	576
Lincoln, Nebraska	Lancaster County	200,779	5,541	274
Boise, Idaho	Ada County	186,113	4,381	319

[a]Figures for Chicago are from Crime in Illinois 1986 (Illinois Department of State Police, 1986).
[b]Figures for Manhattan are from New York State Crime and Justice Annual Report 1986 (New York State Division of Criminal Justice Services, 1986).
[c]Crime rates for St. Louis are from Federal Bureau of Investigation, Crime in the United States, 1984, U.S. Department of Justice (Washington, D.C.: USGPO, 1984).
Source: Population figures and crime rates (with exceptions noted) are from a 1984 Uniform Crime Report county-level file provided by the Inter-University Consortium for Political and Social Science Research.

The sample of urban jurisdictions

Beginning with this 1986 edition of the series a new jurisdictional sample is being implemented. This new sample is designed to be nationally representative of the largest 200 prosecutors' offices. These 200 offices correspond, with a few exceptions, to the 200 largest counties in the United States and account for approximately two-thirds of all serious crimes and arrests. The largest offices are defined in terms of the number of serious arrests occurring in the jurisdiction. Because crime is highly concentrated in very large urban areas, jurisdictions containing large cities are disproportionately represented.

Ultimately, the sample will include about 50 jurisdictions. This report includes 18 jurisdictions that have participated in previous editions and 10 new jurisdictions. Over the next 2 years another 20 new jurisdictions will be added to the series reports.

The 200 largest offices were identified from the 1984 Uniform Crime Report county-level file on Part I crimes and arrests, which was prepared for the Bureau of Justice Statistics by the Inter-University Consortium for Political and Social Science Research.

Cases filed, which includes felony arrests for which an initial court charge is filed, usually with the lower court, and disposed in the felony or the lower court. Cases filed includes felony arrests filed as misdemeanors as well as those filed as felonies.

Cases indicted, which includes felony arrests indicted or bound over to the felony trial court for disposition. In jurisdictions where the lower court has jurisdiction over less serious felonies, such cases, when possible, are included in the definition of cases indicted.

These three measures capture arrest dispositions at the three primary stages of felony prosecution: Screening, initial processing in the lower court, and disposition in the felony court

Typically, prosecutors screen felony arrests before they are filed in court to determine if court charges should be filed and what the proper charges should be. Filed cases are then processed through a two-tiered court system. Initial proceedings in felony cases, such as arraignments, bail/bond hearings, and preliminary hearings to determine whether probable cause exists to proceed on a felony charge, are handled by the lower court of the jurisdiction. The lower court also disposes of felony arrests that are reduced to misdemeanors and original misdemeanor arrests.

The felony court assumes responsibility for felony cases after a "bindover" decision at the lower court preliminary hearing or after a grand jury indictment on the felony charge.

At screening the prosecutor may decide to decline a felony arrest for prosecution, file misdemeanor charges, or file the arrest as a felony

A declination usually means that the screening attorney has determined that the evidence is not sufficient to obtain a conviction and therefore does not warrant filing a court charge. The case is, in other words, rejected for prosecution, and no further official action is taken against the defendant. With some declinations, however, the case is referred to another court for prosecution, or the defendant is referred to a diversion program. In such cases further action against the defendant is possible at a later date.

If the decision at screening is to file a court charge, the prosecutor must determine whether to file the case as a felony or to reduce the police charges and file the case as a misdemeanor.

Whether a felony arrest is filed as a felony or a misdemeanor, the initial court filing and initial court proceedings typically take place in the lower court.

In the lower court felony arrests may be dismissed, disposed as misdemeanors, or bound over to the felony court

The Constitution requires that arrested defendants be brought to court within a matter of hours after arrest for a bail/bond hearing or be released. In many jurisdictions this is also the time at which the defendant is informed of the formal charges filed by the prosecutor against him or her.

If the defendant is charged with a misdemeanor, the case will be disposed and sentenced in the lower court. If the defendant is charged with a felony, the next step is either a preliminary hearing in the lower court or presentation of the case to the grand jury. In all but a few States all felony defendants have a right to at least one of these two "due process" proceedings before a prosecutor can proceed with a case to the felony court for a possible felony trial.

A preliminary hearing is an open court proceeding presided over by a judge. The defendant is present and both the prosecutor and defense counsel may present evidence and question witnesses. The final decision on whether the case should be "bound over" to the felony trial court is made by the judge.

Grand jury proceedings are secret, and the defendant and defense counsel are not present. Only the prosecutor's view of the crime is presented to a jury of lay persons, who then vote on whether the case should proceed to the felony trial court on the felony charge.

In some jurisdictions both a preliminary hearing and a grand jury indictment are required before a case can be transferred to the felony court. In a few jurisdictions the prosecutor can proceed directly from arrest to the felony court by filing a bill of information with the court clerk. The defendant, however, will usually still appear in the lower court for the initial bail/bond hearing.

It is uncommon for large numbers of cases to be dismissed by judges at the preliminary hearing or to be "no true billed" by grand juries. Bind-over and indictment rates are usually 90% or more of the cases presented. It is quite common, however, for felony arrests to be disposed in the lower court before a preliminary hearing or grand jury presentment takes place.

In the period between the initial court filing and the preliminary hearing or the grand jury presentment (typically 2 weeks to 1 month), the prosecutor may dismiss a number of felony cases or reduce the charges to misdemeanors. Dismissals primarily represent cases with evidence problems. Reductions to misdemeanors may represent a unilateral decision on the part of the prosecutor to reduce charges based on either evidentiary or policy considerations (e.g., treatment of first offenders). Reductions to misdemeanors may also be the result of active plea negotiations undertaken to settle cases outside the felony court.

Once cases reach the felony court, relatively few are dismissed: Most end in a guilty plea or trial

By the time cases reach the felony court, the evidence has been carefully screened and the majority of cases that are not likely to end in conviction have been dropped either at screening or in the lower court.

Felony court cases involve defendants the prosecutor has determined to be legally as well as factually guilty. They are, in short, the cases prosecutors think are most likely to end in a conviction. To prosecutors, a felony case most often means a case that has been indicted or bound over to the felony court for disposition.

Prosecutors differ in how they handle felony arrests at the three stages of felony prosecution

Data from this and previous reports in the series indicate that in most jurisdictions approximately half of all felony arrests are dropped at some point in the disposition process and about half will result in conviction. At what point cases are dropped and where convictions are obtained, however, vary considerably.

In some jurisdictions the vast majority of cases that do not result in a conviction are rejected for prosecution before court charges are filed. Very few cases are dropped after filing; post-filing dismissal rates may be as low as 10 to 15%. In other jurisdictions nearly all arrests result in initial charges being filed with the court. In these jurisdictions rates of post-filing dismissals are much higher, although most of the dismissals occur in the lower court.

Table 2. Disposition of all felony arrests presented for prosecution

Jurisdiction	Number of arrests	Percentage of felony arrests resulting in: Diversion or referral	Rejection or dismissal: Rejection	Rejection or dismissal: Dismissal	Rejection or dismissal: Total	Guilty plea	Trial	Percentage of trials resulting in: Conviction	Acquittal
Dallas[a]	23,162		24%	11%	35%	61%	4%	73%	27%
Los Angeles[b]	105,330		37	10	47	53	..	..	..
Manhattan	36,321	-	2	37	39	58	3	73	27
Miami[c]	31,716	11%	37	12	49	37	3	63	37
Minneapolis[d]	3,917	6	34	11	45	45	4	75	25
Portland[e]	7,820	6	29	15	44	42	8	85	15
Rhode Island	6,825		0	35	35	62	3	54	46
Riverside	2,406		24	17	41	57	2	83	17
San Diego	22,585	10	19	11	30	58	2	82	18
Washington, D.C.	14,694	1	16	28	44	49	6	68	32
Jurisdiction mean		5%	22%	18%	40%	52%	3%	73%	27%

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with rejections and dismissals.
..Data not available.
-Insufficient data to calculate.
[a]In Dallas, rejections are grand jury no true bills.
[b]Trial convictions are included with guilty pleas, and acquittals are included with dismissals. OBTS data; see table 10.
[c]In Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.
[d]Rejections in Minneapolis include some arrests referred to the city prosecutor for misdemeanor prosecution.
[e]In 1986 Portland's computer data contained partial counts of declined cases. The number of arrests and the rejection rate in the table have been corrected with manual counts of declined cases.

Prosecutors' offices also differ greatly in the extent to which felony arrests are convicted in the felony court on felony charges or reduced to misdemeanors and convicted in the misdemeanor court. Some jurisdictions obtain virtually all convictions resulting from a felony arrest in the felony court and to felony charges. Others routinely reduce felony cases to misdemeanors; well over one-half of felony arrest convictions may be obtained in the misdemeanor court.

Data from individual jurisdictions on felony arrest dispositions, as measured from police arrest, initial court filing, and indictment or bindover to the felony court, illustrate the differences and similarities among jurisdictions in the handling of felony arrests (tables 2, 3, and 4).

Table 3. Disposition of felony arrests filed in court as misdemeanors or felonies

Jurisdiction	Number of cases filed	Percentage of cases filed resulting in: Diversion or referral	Dismissal	Guilty plea	Trial	Percentage of trials resulting in: Conviction	Acquittal
Brighton	1,480	6%	15%	75%	4%	70%	30%
Dallas	17,696		14	80	6	73	27
Geneva	998	3	27	66	4	69	31
Lincoln	694	29	12	51	8	76	24
Littleton	1,438	10	24	63	3	76	24
Los Angeles[a]	66,190		16	84	..	..	..
Manhattan	35,566	-	37	59	3	73	27
Miami[b]	19,832	17	19	59	5	63	37
Minneapolis	2,558	9	18	68	5	75	25
New Orleans	3,957	1	10	74	15	67	33
Philadelphia	15,525	7	34	29	30	72	28
Pittsburgh[c]	3,638	7	15	62	16	78	22
Portland	5,547	9	20	59	12	85	15
Rhode Island	6,825		35	62	3	54	46
Riverside	6,343		23	75	2	83	17
St. Louis	4,050	1	36	57	6	69	31
San Diego	17,746	10	16	74	2	82	18
Virginia Beach	1,425	3	21	65	11	79	21
Washington, D.C.	12,391	2	33	58	7	68	32
Jurisdiction mean		8%	22%	64%	8%	73%	27%

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with dismissals.
..Data not available.
-Insufficient data to calculate.
[a]Trial convictions are included with guilty pleas and acquittals with dismissals. OBTS data; see table 10.
[b]In Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.
[c]Number of cases filed excludes thefts due to inability to distinguish felonies from misdemeanors.

Prosecutors vary in whether they drop felony charges before or after court charges are filed

A high rate of rejections at screening is the result of a conscious policy on the part of the prosecutor to weed out weak cases before they enter the court system.

Among the 10 jurisdictions in table 2 there is a substantial difference in the fraction of arrests rejected at screening. In Rhode Island the police automatically file all felony arrests with the lower court before the prosecutor has an opportunity to screen, so pre-filing rejections cannot

occur. But even after excluding Rhode Island, the rejection rate varies from 2% in Manhattan to 37% in Los Angeles and Miami.

Such pre-filing screening arrangements are a critical factor in determining post-filing dismissal rates for cases filed with the court.

The dispositions of cases filed show a substantial range of dismissal rates (table 3). In Los Angeles 16% of all cases filed are dismissed. At the other extreme, in Manhattan 37% of cases filed result in a dismissal. These dismissal rates are a direct result of the screening arrangements in the two jurisdictions. In Los Angeles the prosecutor's office has a rigorous policy of dropping nonconvictable cases before court charges are filed. In Manhattan nonconvictable cases are dismissed in the lower court prior to indictment.

Post-indictment dismissal rates in most jurisdictions are relatively low. Even though jurisdictions vary in the extent to which they drop felony arrests before any court charges are filed, most do not carry forward to the felony court large numbers of cases that are not likely to result in a conviction. In other words, if nonconvictable cases are not rejected at screening they will most likely be dropped later in the lower court. As a consequence the fraction of cases dropped in the felony court is typically low.

Among the 24 jurisdictions reporting on the disposition of indicted cases, over two-thirds have felony court dismissal rates of 15% or less (table 4).

Jurisdictions also vary in the extent to which they use the felony courts for the conviction of felony arrests

The data also illustrate the differences among jurisdictions in the fraction of all felony arrests that are carried forward to the felony court (table 5). In Rhode Island and Dallas, for example, over 75% of all arrests are disposed in the felony court. In Manhattan, Riverside, and Los Angeles, less than 30% go on to the felony court.

Because about half of all felony arrests result in a conviction, in jurisdictions that indict only 25 or 30% of all felony arrests a number of felony arrests end up being convicted in the lower court on a misdemeanor charge. In Manhattan, 60% of all convictions resulting from a felony arrest are to misdemeanors in the lower court. Based on OBTS data the rate in Los Angeles is 48%. In contrast, in Dallas and Rhode Island all convictions resulting from a felony arrest occur in the felony court.

Table 4. Disposition of felony arrests that result in felony indictment

Jurisdiction	Number of cases indicted	Percentage of cases indicted resulting in: Diversion or referral	Dismissal	Guilty plea	Trial	Percentage of trials resulting in: Conviction	Acquittal
Annapolis	1,136	8%	17%	62%	13%	77%	23%
Boise	678	12	21	63	4	71	29
Chicago	22,014		11	68	21	46	54
Columbus	3,665	3	23	71	3	48	52
Dallas[a]	17,696		14	80	6	73	27
Detroit	9,815	7	12	55	26	70	30
El Paso[b]	2,223		25	70	5	70	30
Indianapolis	3,579	-	18	72	10	78	22
Lincoln	452	3	13	73	11	76	24
Los Angeles	24,763	1	8	81	10	83	17
Manchester[c]	1,785	2	13	83	-	-	-
Manhattan	10,181	-	11	79	9	76	24
Miami[d]	15,937	17	19	59	5	63	37
New Orleans[a]	3,957	1	10	74	15	67	33
Philadelphia	10,263	4	13	41	42	72	28
Pittsburgh[e]	3,216		11	70	19	78	22
Portland	4,397	2	12	72	14	85	15
Rhode Island	5,448		19	77	4	54	46
Riverside[f]	2,149		5	88	7	83	17
St. Louis	2,829	1	11	81	7	69	31
San Diego	8,089	2	4	90	5	86	14
Springfield	586	8	12	72	8	60	40
Virginia Beach	1,055	4	7	75	14	78	22
Washington, D.C.	6,782	-	15	75	10	74	26
Jurisdiction mean		4%	13%	72%	11%	71%	29%

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with dismissals.
-Insufficient data to calculate.
[a]Cases filed and cases indicted are the same.
[b]Number of cases indicted represents only the first three quarters of 1986.
[c]Estimated; see note in table 10.
[d]In Miami, diversions or referrals include pretrial diversions, restitution cases, transfers to other jurisdictions, and miscellaneous dispositions.
[e]Number of cases indicted excludes thefts due to inability to distinguish felonies from misdemeanors.
[f]Disposition of cases filed as misdemeanors was estimated from OBTS data on cases convicted versus not convicted in lower court. Separate counts of misdemeanor trials not available.

Table 5. Percent of all felony arrests indicted

Jurisdiction	Percentage indicted
Rhode Island	80%
Dallas	76
Portland	56
Miami	50
Washington, D.C.	46
San Diego	36
Manhattan	28
Riverside	26
Los Angeles	24
Jurisdiction mean	47%

Where cases are convicted has important implications for the severity of sentences

The data in table 6 measure incarceration sentences in two ways. For cases filed, incarceration sentences are measured as a fraction of all convictions resulting from a felony arrest. These convictions and sentences may occur in either the lower court or the felony court. For cases indicted, incarceration rates refer to convictions and sentences in the felony court only.

Of all convictions resulting from a felony arrest, 56% lead to a sentence of incarceration and 23% to incarceration of more than 1 year. Incarceration rates in the felony court alone are higher; 59% of those convicted are sentenced to incarceration, and 31% are sentenced to terms of more than 1 year.

The more severe sentences in the felony court follow from the fact that some jurisdictions utilize the felony trial courts for the disposition of only the most serious felony crimes. Less serious felonies are disposed in the lower court as misdemeanors.

In interpreting sentencing statistics across jurisdictions one must take into account the differing use of the felony trial courts. The data suggest, for example, that both Los Angeles and Manhattan sentence a higher fraction of convicted defendants to terms of more than 1 year than does New Orleans. In Los Angeles 41% and in Manhattan 46% of defendants convicted in felony court receive sentences of more than 1 year. In New Orleans 35% receive such long-term sentences in felony court. The lower rate in New Orleans, however, is explained by the fact that felony court convictions in New Orleans include all convictions resulting from a felony arrest, but in Los Angeles and Manhattan they represent a subset of serious felony arrest convictions.

Table 6. Incarceration rates for cases that result in conviction

Jurisdiction	Number of convictions[a]	Percentage of convictions resulting in incarceration: Any incarceration	More than 1 year	Exactly 1 year
Cases filed and convicted in felony or misdemeanor court				
Geneva[b]	686	51%	20%	
Lincoln	395	79	16	21%
Los Angeles[c]	55,909	..	19	..
Manhattan	21,159	64	19	6
Minneapolis	1,882	61	22	..
New Orleans[d]	3,257	53	33	6
Portland	3,739	40	34	3
Rhode Island[d]	4,314	29	14	6
St. Louis	2,456	57	40	10
San Diego	13,143	84	17	9
Virginia Beach	1,051	40	16	9
Jurisdiction mean		56%	23%	9%
Cases indicted and convicted in felony court				
Boise[b]	448	37%	29%	
Columbus[e]	2,630	52	25	13%
Indianapolis	2,815	64	43	12
Lincoln	369	83	17	22
Los Angeles[f]	21,047	93	41	13
Manchester[f]	1,480	43	14	12
Manhattan	8,563	76	46	12
New Orleans[d]	3,257	53	35	6
Portland	3,604	41	35	3
Rhode Island[d]	4,314	29	14	6
St. Louis	2,425	56	20	10
San Diego	7,370	89	30	14
Springfield	449	63	47	4
Virginia Beach	901	43	19	11
Jurisdiction mean		59%	31%	11%

..Data not available.
[a]Number of convictions for which sentencing data were available.
[b]Incarcerations of exactly 1 year are included with incarcerations of more than 1 year.
[c]OBTS data; see table 10.
[d]Cases filed and cases indicted are the same in New Orleans. In Rhode Island for both cases filed and cases indicted all convictions occur in the felony court.
[e]The conviction percentages were calculated from a sample of 875 convictions in felony court.
[f]Estimated; see note in table 10.

When comparisons among the three jurisdictions are made on the basis of all convictions, a different picture emerges. Los Angeles and Manhattan each sentence 19% of all convicted defendants to more than one year of incarceration, compared with 35% in New Orleans.

Among the jurisdictions reporting, long-term rates of incarceration are on average 23% of all convictions but 31% of all indicted cases that end in conviction.

Definition of incarceration sentences

In most States sentences of more than 1 year are served in prison, and sentences of a year or less are served in local jails. The distinction between prison and jail sentences, however, varies across States and among jurisdictions. In this report sentences of more than 1 year are used as a measure of long-term incarceration regardless of the type of institution in which the sentence is served. Also, where possible, sentences of exactly 1 year are tabulated separately.

The time from arrest to final court disposition varies substantially across jurisdictions

In table 7 case-processing times from arrest to final disposition are presented for all felony arrests for which an initial court charge is filed--cases filed--and for those felony arrests that are indicted or bound over to the felony court for disposition--cases indicted.

The median time from arrest to disposition for cases filed ranges from 70 days in San Diego to 161 days in Brighton. The average among all jurisdictions is 106 days. Average arrest-to-disposition time for only those cases bound over or indicted and disposed in the felony court is 122 days. Similar to the measure for cases filed, substantial variation exists across jurisdictions. In San Diego the median arrest-to-disposition time for the cases disposed in the felony court is 75 days, whereas in Rhode Island the felony court cases require a median time of 188 days for disposition. Felony court cases typically take longer to process than cases disposed in the lower court because they require more due-process hearings, such as preliminary hearings and grand jury presentations, than cases disposed as misdemeanors. Felony court cases are viewed generally as worthy of greater attention and court resources than cases disposed in lower courts. Finally, the felony court is where most trials, the most time-consuming type of disposition, take place.

In all jurisdictions disposition times vary by whether a case ends in a dismissal, guilty plea, or trial; trials require the longest disposition times

On average, trial dispositions take approximately 220 days--about 7 months--from the time of arrest. Across jurisdictions, the time from arrest to disposition by trial in the felony court ranges from 108 days, or about 4 months, in Portland to 404 days, or 13 months, in Rhode Island.

Table 7. Case-processing time for cases filed and cases indicted, by type of final disposition

Jurisdiction	Median time from arrest to disposition for: All dispositions[a]	Dismissal	Plea	Trial
Cases filed				
San Diego	70 days	90 days	65 days	148 days
Portland	74	48	74	107
Manhattan	77	106	43	209
Los Angeles[b]	84	85	80	175
Washington, D.C.	88	92	75	228
New Orleans	104	150	90	173
St. Louis	125	51	144	251
Littleton	128	105	140	236
Rhode Island	146	74	164	404
Brighton	161	130	164	280
Jurisdiction mean	106 days	93 days	104 days	221 days
Cases indicted				
San Diego	75 days	129 days	69 days	170 days
Portland	84	116	74	108
New Orleans	104	150	90	173
Los Angeles	108	138	99	170
Washington, D.C.	113	167	92	274
Manhattan	118	174	99	214
St. Louis	154	170	145	251
Indianapolis	156	188	146	196
Rhode Island	188	286	164	404
Jurisdiction mean	122 days	171 days	109 days	218 days

[a]Includes only cases for which time data were available.

[b]Excludes a number of felony arrests filed as misdemeanors and handled by municipal prosecutors.

Because 70 to 80% of trials typically result in a conviction, comparison of disposition times for trials and guilty pleas provides an approximate measure of the additional time required for those cases convicted by trial rather than by plea. On average, for cases convicted in the felony court the additional disposition time for cases convicted by trial rather than plea is close to 4 months. For individual jurisdictions, the additional time ranges from 1 month in Portland to close to 8 months in Rhode Island (table 7, cases indicted).

Definition of case-processing time

The time from arrest to final disposition was determined by calculating the number of days between the date of arrest, or the papering date if the arrest date was missing, and the date a case was dismissed in court or the defendant pleaded guilty or was convicted or acquitted at trial. No adjustments were made for periods considered excludable time according to the various State speedy trial rules. The disposition times calculated, in other words, represent the elapsed calendar time from arrest to final court disposition.

Disposition patterns by demographic characteristics are similar across jurisdictions

Race. Table 8 shows the disposition patterns by race of the defendant for cases indicted in seven jurisdictions. The dismissal rates for whites and blacks within a jurisdiction do not vary significantly nor do total conviction rates (guilty pleas plus convictions at trial). Black defendants, however, are slightly more likely to have their cases decided by trial than white defendants. An analysis of disposition patterns earlier in the process, in those jurisdictions for which data were available (see appendix A tables 10 and 11), further suggests that cases are also handled similarly at arrest and filing regardless of the defendant's race. Any apparent differences in aggregate conviction versus nonconviction rates among blacks and whites can largely be traced to differences in the types of crimes committed by black and white defendants. In all jurisdictions, black defendants are slightly more likely than whites to receive incarceration sentences for at least some crime types (see appendix A tables 13 and 14).

Sex. Women and men are treated similarly with respect to conviction versus nonconviction. Women, however, are much less likely to be incarcerated (see appendix A tables 10 through 14).

Table 8. Disposition of felony arrests that result in felony indictment, by race, 1986

Jurisdiction	Racial composition		Percentage of cases indicted resulting in:			
	County population[a]	Cases indicted[b]	Dismissal	Guilty plea	Trial conviction	Trial acquittal
Indianapolis						
White	78%	52%	17%	75%	6%	2%
Black	20	48	19	69	10	2
Other	2	-	-	-	-	-
Los Angeles						
White	68	52	9	82	7	2
Black	12	45	8	80	10	2
Other	20	2	8	78	11	3
Manhattan						
White	61	33	11	82	5	2
Black	22	53	12	78	8	3
Other	17	1	23	69	7	1
Portland						
White	90	68	14	73	11	2
Black	5	25	12	70	15	3
Other	5	2	12	77	9	3
St. Louis						
White	53	24	10	82	4	3
Black	45	76	12	81	5	2
Other	3	-	-	-	-	-
San Diego						
White	82	70	6	91	3	0
Black	6	25	6	88	5	1
Other	12	2	5	94	1	0
Washington, D.C.						
White	27	3	17	71	8	4
Black	70	96	15	76	7	2
Other	3	-	-	-	-	-

-Insufficient data to calculate.

[a]Racial compositions for county populations are from Bureau of the Census, County and City Data Book 1983 (U.S. Department of Commerce, 1983).

[b]Includes only cases for which demographic data were available. Percentages do not add to 100 because of unknown demographic data.

Age. Strikingly similar disposition patterns emerge when cross-jurisdictional comparisons of conviction and long-term incarceration rates are disaggregated by age (see table 9). In each site the bulk (35 to 48%) of the indicted caseload is attributable to defendants who are less than 25 years old. The data in the table suggest that participation in serious crimes--those that result in indictment and ultimately conviction--declines with age in most jurisdictions. Additionally, an examination of age distributions by crime type reveals that the same age group commits approximately 40% of the violent crimes in each jurisdiction.

Although those aged 18 to 24 years account for the bulk of the total felony court caseload as well as the bulk of the violent crimes, in all jurisdictions the probability of being sent to prison given conviction is higher for defendants who are between 25 and 34 years of age. In Indianapolis and Los Angeles the highest rates of incarceration are for defendants under 18 years. In both of these jurisdictions, however, these individuals represent juveniles prosecuted as adults and therefore involve very serious crimes. Adults are defined as persons 18 years and older in all jurisdictions except Manhattan and St. Louis, where criminal responsibility begins at ages 16 and 17, respectively.

Table 9. Long-term incarceration rates for indicted cases convicted in felony court, by age, 1986

Jurisdiction	Cases indicted* Number	Percent	Indicted cases with: No conviction	Conviction	Convicted cases incarcerated 1 year or more
Indianapolis					
Less than 18 yrs.	69	2%	11%	89%	85%
18-24	1,455	41	18	82	50
25-29	727	20	19	82	61
30-34	552	15	20	79	62
35-39	272	8	20	79	57
40-49	246	7	24	76	55
50 and over	161	4	23	76	40
Los Angeles					
Less than 18 yrs.	205	1	10	90	64
18-24	10,267	41	9	91	51
25-29	6,047	24	10	90	57
30-34	3,634	15	11	89	55
35-39	2,081	8	12	88	53
40-49	1,562	6	12	88	52
50 and over	627	3	16	84	49
Manhattan					
Less than 18 yrs.	773	8	10	90	42
18-24	3,274	32	12	87	58
25-29	2,127	21	14	86	63
30-34	1,390	14	14	85	61
35-39	770	8	14	85	60
40-49	586	6	16	84	58
50 and over	266	3	21	80	48
Portland					
Less than 18 yrs.	20	-	-	-	-
18-24	1,517	33	15	85	36
25-29	983	22	15	85	42
30-34	823	19	16	84	36
35-39	491	11	14	85	39
40-49	334	8	22	78	38
50 and over	181	4	17	83	35
St. Louis					
Less than 18 yrs.	190	7	9	90	52
18-24	1,133	41	12	88	48
25-29	631	22	14	87	54
30-34	390	14	17	83	52
35-39	206	7	18	82	52
40-49	173	6	15	85	41
50 and over	85	3	24	77	30
San Diego					
Less than 18 yrs.	34	-	-	-	-
18-24	3,175	39	6	94	44
25-29	2,015	25	6	94	45
30-34	1,388	17	7	93	43
35-39	768	9	6	94	44
40-49	512	6	8	92	41
50 and over	179	2	5	94	37
Washington, D.C.					
Less than 18 yrs.	46	1	11	89	..
18-24	2,852	42	16	84	..
25-29	1,569	23	18	82	..
30-34	1,106	16	18	82	..
35-39	614	9	17	83	..
40-49	407	6	22	79	..
50 and over	143	2	20	80	..

-Insufficient data to calculate.
..Data not available.

*Includes only cases for which demographic data were available. Percentages do not add to 100 because of unknown demographic data.

Chapter II

Data sources, limitations, and definitions

Data sources in the 28 jurisdictions

The primary data source for this report was the computerized management information system (MIS) used by the prosecutor, court, or other criminal justice agency to track the cases of individual defendants from arrest or court filing until final disposition and sentence. Data from these systems were obtained from tapes provided by the jurisdictions, from computer printouts listing dispositions on a case-by-case basis, and from aggregate statistical reports prepared by the jurisdictions or by criminal justice statistical agencies. Where computerized data were not available, aggregate or case-by-case data were obtained from a variety of manual data collection systems. Where necessary, manual data systems were supplemented by small samples of hand-collected data. In all jurisdictions the counts of cases are individual defendant-cases.

Data sources and the form of the data collected for all jurisdictions are listed in table 10. The table also provides caseload definitions and the caseload size for each jurisdiction. In several jurisdictions certain anomalies occur in caseload definitions because of the unique administrative systems devised for processing cases. In Rhode Island the police automatically file all felony arrests in the lower court; thus, all arrests and cases filed are the same. In Dallas and New Orleans, the prosecutor either rejects a felony arrest or files it directly in the felony court; thus, cases filed and cases indicted are the same. In instances in which one set of data fits the procedural definition of two separate data sets, the data are presented twice to assist users in assembling procedurally similar data sets across jurisdictions.

Table 10. Caseload definitions and data sources

Jurisdiction	Felony case definition and caseload size: All arrests	Cases filed	Cases indicted	Data source(s)
Annapolis			1,136	Court MIS, aggregate
Boise[a]			678	Criminal justice MIS, case list
Brighton		1,480		Prosecutor MIS, tape
Chicago			22,014	Court records, aggregate
Columbus			3,665	Court MIS, case list
Dallas[b]	23,162	17,696	17,696	Prosecutor and court records, aggregate
Detroit			9,815	Prosecutor and court MIS, aggregate
El Paso[c]			2,223	Prosecutor records, aggregate
Geneva		998		Court records, case list
Indianapolis			3,579	Prosecutor MIS, tape
Lincoln		694	452	Prosecutor MIS, case list
Littleton		1,438		Prosecutor MIS, tape
Los Angeles[d]	103,330	66,190	24,763	Prosecutor MIS and OBTS, tape and aggregate
Manchester[e]			1,785	Prosecutor and court records, hand sample
Manhattan	36,321	35,566	10,181	Prosecutor MIS, tape
Miami	31,716	19,832	15,937	Prosecutor and court records, aggregate
Minneapolis	3,917	2,558		Prosecutor MIS, aggregate
New Orleans[b]		3,957	3,957	Prosecutor MIS, tape
Philadelphia		15,525	10,263	Court MIS and prosecutor records, aggregate
Pittsburgh[f]		3,638	3,216	Court MIS, aggregate
Portland[g]	7,820	5,547	4,397	Prosecutor MIS, tape and aggregate
Rhode Island	6,825	6,825	5,448	Court MIS, tape
Riverside	8,406	6,343	2,149	Prosecutor MIS and OBTS, aggregate
St. Louis		4,050	2,829	Prosecutor MIS, tape
San Diego	22,585	17,746	8,089	Prosecutor MIS, tape
Springfield			586	Prosecutor records, case list
Virginia Beach		1,425	1,055	Prosecutor MIS, case list
Washington, D.C.	14,694	12,391	6,782	Prosecutor MIS, tape

[a]Boise data are based on cases initiated in 1986 and disposed as of the date of the computer listing in April 1988.
[b]Cases filed and cases indicted are the same.
[c]Data for El Paso represent only the first three quarters of 1986.
[d]Prosecutor's MIS data were supplemented by Offender-Based Transaction Statistics (OBTS). Because the jurisdiction of the district attorney is limited to the felony court, felony arrests disposed as misdemeanors are not tracked by the district attorney's MIS system. All arrests and, in most tables, cases filed are OBTS statistics. Cases indicted are from the prosecutor's MIS. In appendix A, cases filed are from the MIS but they include only felony arrests filed on a felony charge. Cases tracked by the OBTS system represent approximately 67% of the actual cases disposed. See Criminal Justice Profile 1986, Los Angeles County (California Department of Justice).
[e]Caseload statistics in Manchester were estimated from court manual statistics and from hand-collected data for a sample of cases (n = 92).
[f]Data exclude thefts due to inability to distinguish felonies from misdemeanors.
[g]The total number of arrests in Portland is based on computer data and the prosecutor's manual counts of declined cases.

The statistics for each jurisdiction presented in the text and in appendix A summarize the outcomes for defendants processed in each jurisdiction and thus reflect the average outcome among defendants within that jurisdiction. The "jurisdiction averages" presented in the text, however, indicate how the average jurisdiction disposes of cases and not how "on average" arrestees in urban areas are handled.

Data sources, limitations, and definitions

Limitations

The principal problem in deriving comparable cross-jurisdictional statistics of felony arrest dispositions is the differing definitions of "felony cases" that arise because of the differing statutory and administrative systems jurisdictions have devised for processing felony arrests. These differing definitions are reflected in their manual and automated case-tracking systems.

In some jurisdictions it is possible to track the disposition of all felony arrests, including those rejected or filed as misdemeanors; in others, only those felony arrests that result in an initial court filing are tracked; and in still others, dispositions are tracked only for those arrests ultimately indicted or bound over to the felony court. Thus, in some jurisdictions the definition of felony cases is all arrests; in others, cases filed; and in still others, cases indicted. In addition, even when it is possible to identify procedurally comparable sets of felony cases across jurisdictions (such as cases filed and cases indicted), one cannot assume that the resulting data are analytically comparable for the purpose of making statistical comparisons across jurisdictions. Because of differing administrative arrangements for charging and weeding out cases prior to court filing, jurisdictions vary considerably in the fraction of felony arrests filed. Thus, dispositions measured from the point of filing vary a great deal. This variation is primarily a reflection of the differing screening and charging arrangements in the jurisdictions.

Jurisdictions also vary in the extent to which they utilize the felony courts for the disposition of felony arrests: Among the jurisdictions in this report the fraction of felony arrests disposed in the felony court ranged from approximately 80% to 24% of all arrests. Felony courts, therefore, can represent a widely differing mix of case types and case dispositions. The effect of these arrangements on statistical measures is discussed throughout the text. A major goal of this series is to define procedurally comparable sets of felony cases across jurisdictions and from those data sets identify analytically comparable statistics that can be used for comparative study of the felony disposition process both across jurisdictions and over time.

Definition of key terms

To assist the reader in understanding the administrative procedures necessary to process felony arrests, key terms are defined below.*

Lower court--Lower courts are those having no felony trial jurisdiction or trial jurisdiction that is limited to less than all felonies. In many jurisdictions the lower court is also called the misdemeanor court, but in addition to jurisdiction over misdemeanors these courts handle initial proceedings in felony cases, such as arraignments, bail/bond hearings, and preliminary hearings.

Felony court--Felony courts are those with trial jurisdiction over all felonies. Typically, they receive felony cases after indictment by a grand jury or a bindover decision by the lower court at a preliminary hearing. The felony court is often referred to as the upper or trial court. In recent years a number of jurisdictions have granted felony jurisdiction to the lower court for certain less serious felony crimes. In this report, where possible, these lower court felonies are included in the counts of felony court cases.

Filing--A criminal case is initiated in a court by formal submission to the court of a charging document alleging that one or more named persons have committed one or more specified criminal offenses. In this report case filing is used to indicate the initiation of a case in the lower court, the first court filing, as distinguished from the filing of a case in the felony court after indictment or bindover.

*The definitions were derived from Bureau of Justice Statistics, Dictionary of Criminal Justice Data Terminology, 2nd ed. (Washington, D.C.: U.S. Department of Justice, 1981).

Arraignment--Arraignments are hearings (before the court having jurisdiction in a criminal case) at which the identity of the defendant is established and the defendant is informed of the charges and of his or her rights. The usage of the term varies considerably among jurisdictions. There are two kinds of arraignment:

- initial appearance--In this report the term arraignment is used to indicate the initial appearance or first appearance of a defendant in the first court having jurisdiction over his or her case.

- arraignment on the indictment or information--The terms arraignment on the indictment and arraignment on the information refer to the first appearance in the felony court subsequent to an indictment by a grand jury or a bindover decision by the lower court.

Preliminary hearing--This is a proceeding before a judicial officer in which three matters must be decided: whether a crime was committed; whether the crime occurred within the territorial jurisdiction of the court; and whether there are reasonable grounds (probable cause) to believe that the defendant committed the crime. In a number of States the preliminary hearing, usually held in the lower court, is the point at which it is determined whether proceedings will continue in felony cases. If the court finds probable cause, the defendant will be bound over or "held to answer" in the felony court.

Grand jury--A body of lay persons who have been selected according to law and sworn to hear evidence against accused persons and determine whether there is sufficient evidence to bring those persons to trial. In some States all felony charges must be considered by a grand jury before they are filed in the felony trial court. The grand jury decides whether to indict or not indict.

Bindover--The decision by the lower court that a person charged with a felony must appear for trial on that charge in the felony court as the result of a finding of probable cause at a preliminary hearing. In some jurisdictions the bindover decision is more limited, involving only the bindover of a case to the grand jury. In these jurisdictions prosecution in the felony court requires both a finding of probable cause at a preliminary hearing and a grand jury vote to indict. In this report the term bindover is used interchangeably with the term indictment to refer to the ultimate decision to carry a case forward to the felony court for prosecution.

Information--The charging document filed by the prosecutor to initiate the trial stage of a felony case subsequent to a bindover decision in the lower court. In a few States an information may be filed without a preliminary hearing or bindover decision.

Indictment--The formal charging document that initiates the trial stage of a felony case after grand jury consideration. In this report the terms bindover and indictment are used interchangeably to refer to cases carried forward to the felony court.

Declination and rejection for prosecution--In this report the term declination is used to refer to all arrests for which the prosecutor does not file a court charge. Declinations include arrests on which no further official action will be taken, as well as arrests referred to diversion programs or to other courts for prosecution. Official action against the defendant may still be taken for cases diverted and those referred for other prosecution. The term rejection is used to refer to those declinations on which no further official action of any kind will be taken. Rejections, in other words, represent a final termination of an arrest by the prosecutor.

Dismissals--The decision to drop cases after formal court charges have been filed. Counts of dismissals (and declinations) in the Overview tables have been adjusted to exclude diversions and referrals for other prosecution. Cases that are diverted or referred may still result in prosecution and conviction and therefore do not represent a final rejection or dismissal. This adjustment was not made in the disposition tables in appendix A but can be derived from the declination and dismissal reasons in appendix A tables 4 and 5.

Dismissals in most jurisdictions (and in some instances declinations) also include a number of cases in which one case against a defendant is dropped but prosecution is pursued on another case. Such dropped cases primarily refer to situations in which the defendant is prosecuted on another case either through a plea arrangement or by the combination of two cases into a single case. Thus, although one case against a defendant is dropped, the defendant is ultimately found guilty. Tables 4 and 5 in appendix A provide counts of dropped cases that were "covered by another case" for eight of the jurisdictions included in this report.

Guilty pleas--Guilty pleas include cases in which a guilty party pleads to the top or lesser charge. Pleas to lesser charges include pleas to misdemeanors as well as lesser felony crimes.

Trials--Trials assume two forms: court and jury. In court trials (also called bench trials) there is no jury and the issue of guilt or innocence is determined by the judge. The counts of trials in this report include both court and jury trials.

Appendix A

Case-processing statistics by crime type and defendant characteristics

This appendix provides statistics on felony arrest outcomes by crime type and defendant characteristics for nine large, urban jurisdictions. Arrest outcomes are presented for three sets of felony cases:

All felony arrests: defined as all felony arrests presented by the police for prosecution. All felony arrests includes felony arrests disposed in either the felony or lower court, as well as arrests declined for prosecution prior to the filing of a court charge. Declined arrests includes cases rejected, on which no further action will be taken, and other pre-filing dispositions, such as referral to diversion programs or to other agencies for prosecution.

Cases filed: defined as felony arrests for which an initial court charge is filed, usually with the lower court, and disposed in the felony or lower court. Except where noted, cases filed includes felony arrests filed as misdemeanors or felonies.

Cases indicted: defined as felony arrests indicted or bound over to the felony trial court for disposition. In jurisdictions where the lower court has legal authority to adjudicate certain felony crimes (usually less serious felonies), such cases are included in the definition of cases indicted.

These three measures capture the outcomes of felony arrests at the three primary stages of felony prosecution: at screening, before cases are filed in court; during the initial post-filing phase of case processing in the lower court; and after bindover to the felony court through grand jury indictment or a finding of probable cause at a preliminary hearing.

All three measures are not always available for all jurisdictions. Also, because case-processing procedures in some jurisdictions differ from this typical three-stage pattern, certain anomalies arise in the definitions of arrests, cases filed, and cases indicted. These deviations are explained below in the section on caveats and jurisdictional definitions. Further explanation of the felony disposition process can be found in the Overview.

The jurisdictions for which case-processing statistics are presented in this appendix are

Indianapolis	Rhode Island
Los Angeles	St. Louis
Manhattan	San Diego
New Orleans	Washington, D.C.
Portland	

The data refer to felony arrests disposed in 1986.

The 12 crime type categories are

Murder and manslaughter	Fraud
Rape	Drug trafficking
Robbery	Drug possession
Aggravated assault	Weapons
Burglary	Other
Larceny	
Stolen property	

"Crime type" represents the most serious charge ever associated with a case. Typically, the most serious charge is the lead or top charge at the time of arrest or initial court filing. The crime type, in other words, represents the type of crime with which the defendant is charged in the early stages of a felony case. The arrest or initial court charge may or may not be the type of crime for which a defendant is later indicted, convicted, or sentenced.

Typically, defendants are charged with more than one crime in a case involving a single arrest. In the crime type tables the most serious crime charged is used to characterize the case.

The seriousness hierarchy used to determine the most serious charge in a case is as follows:

Violent Crimes

1. Murder
2. Manslaughter
3. Kidnaping*
4. Rape
5. Robbery
6. Attempted murder
7. Aggravated assault
8. Negligent manslaughter*
9. Other sexual assaults*

Property Crimes, Drugs, and Weapons

10. Arson*
11. Drug trafficking
12. Burglary
13. Larceny
14. Fraud
15. Weapons
16. Stolen property
17. Drug possession

Crimes marked with an asterisk are not tabulated separately but are included in the "other" crime type category.

Beginning with the 1982 edition of the series, the crime type definitions were revised from those used in earlier reports to reflect more closely State statutory definitions of felony crimes. The crime types used in this edition and in the 1982 edition agree with current BJS crime definitions (see below) and thus permit the comparison of these data with data in other BJS statistical reports. Where it was necessary to deviate from the standard BJS definition, the deviation is explained in a note. The crime type definitions are as follows.

Murder: Involves either (1) the intentional death of another without extreme provocation or legal justification or (2) the death of another while committing or attempting to commit another crime. The category excludes conspiracy to commit murder, solicitation of murder, and attempted murder but includes accessory to murder, aiding and abetting murder, and facilitating murder.

Case-processing statistics by crime type and defendant characteristics

Manslaughter (Nonnegligent): The intentional death of another without legal justification, but with provocation that a reasonable person would find extreme. The category also includes those homicides characterized by an "extreme indifference to human life" but excludes homicides of an involuntary nature, such as negligent manslaughter or vehicular manslaughter. This distinction is consistent with State statutory definitions of nonnegligent manslaughter.

Rape: Forcible intercourse or sodomy with a person, including acts involving use of a foreign object.

NOTE: The BJS definition of rape excludes all statutory rapes. In this report statutory rapes committed under certain extreme circumstances, such as against very young children (under age 10, for example) are included in the definition of rape. This is done because in a number of State statutes it is not possible to distinguish such statutory rapes from forcible rape.

Robbery: The unlawful taking of property that is in the immediate possession of another, by force or the threat of force.

Aggravated assault: Assaults involving (1) serious bodily injury with or without a deadly weapon but with intent and (2) the attempt or threat to cause bodily injury, regardless of the degree of injury if any, with a deadly or dangerous weapon. This category includes attempted murders.

NOTE: The definition used in this report adds to the above BJS definition the following: (1) assaults involving serious bodily injury without intent and (2) assaults involving the use of a deadly weapon without serious bodily injury but with depraved indifference to its occurrence. All jurisdictions included in this report classified such assaults as serious felony offenses.

Burglary: The unlawful entry of a structure, with or without the use of force, with intent to commit a felony or theft.

Larceny: The unlawful taking of property from another by stealth, without force or deceit. The category includes pickpocketing, nonforcible purse snatching, and auto theft.

Stolen property: The unlawful reception, transportation, possession, concealment, or sale of stolen property. The category includes crimes involving stolen automobiles.

Fraud: False and illegal representations by an individual designed to obtain material gain. The category includes embezzlements and thefts by deception.

Drug trafficking: The manufacture, distribution, sale, or transportation of illegal drugs or "possession with intent to sell" such substances.

Drug possession: Possession or use of any illegal drug.

Weapons: The unlawful sale, distribution, manufacture, alteration, transportation, possession, or use of a deadly or dangerous weapon or accessory.

Other: Combines all other felony offenses, including kidnaping, morals offenses, arson, unknown, and miscellaneous other felonies.

The BJS definitions are based on definitions of the major crime types found in State criminal codes. Among the more serious crimes of murder/manslaughter, rape, robbery, burglary, and aggravated assault, only minor variations are apparent in the substantive definitions across States. Among the less serious crime types (drug and weapons offenses, larceny, and stolen property), however, more variation exists among substantive definitions. No attempt has been made to accommodate this considerable variation in the crime type definitions among State statutes. Thus, these crime categories may include differing types of criminal behavior across jurisdictions.

This 1986 edition includes, for the first time, disposition and sentencing information by defendant characteristics (tables 10 through 14). The jurisdictions for which statistics are presented regarding defendants' age, race, and sex are

Indianapolis	St. Louis
Los Angeles	San Diego
Manhattan	Washington, D.C.
Portland	

For the defendant characteristics tables, the crime types have been organized according to the following scheme:

Violent Crimes
1. Murder/manslaughter
2. Rape
3. Robbery
4. Aggravated assault

Property Crimes
5. Burglary
6. Larceny

Other Crimes
7. Drug trafficking
8. Forgery/fraud
9. Weapons
10. Stolen property
11. Drug possession
12. Other

The above categories are comparable to the crime type distinctions made by the FBI in the Uniform Crime Reports.

The categories for race in the defendant characteristics tables have been constructed so that the "white" category includes people of Hispanic origin. The "other" category includes Filipinos, American Indians, Japanese, Chinese, Koreans, and others. In Manhattan the "black" category includes black Hispanics; the reporting systems for race in other jurisdictions preclude such a distinction.

In this appendix the tabulations of declinations and dismissals have not been adjusted to exclude diversions and referrals for other prosecution

In the Overview, the counts of cases declined and dismissed have been adjusted to exclude cases referred to diversion programs or to other agencies for prosecution; this provides a more accurate count of cases dropped for prosecution. Cases that are diverted or referred may still result in prosecution and conviction and therefore do not represent a final rejection or dismissal.

This adjustment has not been made in the appendix tables, but it can be derived for all arrests and for cases filed by subtracting the number of cases that were diverted or referred, as reported in tables 4 and 5 (declination and dismissal reasons), from the total number of declinations and dismissals, as reported in tables 1 and 2 (disposition of all arrests and of cases filed).

The statistics on declination and dismissal reasons in this appendix also enable one to determine the number of declinations and dismissals in which one case against a defendant was dropped but prosecution was pursued on another case. The count of cases included under "covered by another case" (tables 4 and 5) primarily refers to those situations in which the defendant was either found guilty on another case through a plea arrangement or prosecution was pursued by combining two cases into a single case. Thus, although one case against a defendant was dropped, the defendant does not necessarily go free.

The data were obtained from computerized information systems used to track the arrests of individual defendants

The data in this appendix were extracted from computerized data tapes obtained from each of the nine jurisdictions. The information systems from which the data were derived are designed to track criminal cases from arrest to final disposition and sentencing in the courts.

In all jurisdictions, each case represents a separate arrest for an individual defendant. Two arrests involving one defendant but two separate criminal incidents would be entered and counted as two separate cases. Similarly, two defendants arrested for a single criminal incident would be entered and counted separately.

In interpreting the data certain caveats and jurisdictional definitions should be kept in mind

It was not possible to produce all 14 tables for all jurisdictions. In some jurisdictions certain data elements are not consistently recorded in the prosecutor's computer system. In Washington, D.C., for example, sentences are not recorded, and in Rhode Island detailed reasons for case dismissals are not entered. Further, some jurisdictions track cases from arrest but others do not begin tracking cases until filing or indictment. This may reflect an administrative decision or the prosecutor's legal jurisdiction.

Certain other anomalies occur due to the unique administrative systems devised for processing cases. Most jurisdictions screen arrests prior to court filing and process felonies through the lower court before indictment or bindover to the felony court. In jurisdictions where the case-processing procedures differ from this typical pattern, the definitions of arrests, cases filed, and cases indicted require additional explanation. In some jurisdictions, for example, the police file all arrests directly in the lower court before the prosecutor reviews the arrest. Thus, arrests and cases filed are the same and declinations do not occur. In others, felony arrests are either rejected for prosecution or prosecuted as felonies in the felony court. In such jurisdictions, therefore, no distinction exists between cases filed and cases indicted.

In instances in which one set of data fits the procedural definition of two tables, the data are presented twice to assist users in assembling procedurally similar data sets across jurisdictions.

The jurisdictional descriptions below describe the legal jurisdiction of the prosecutor, the data sets included in the tables, and any anomalies or peculiarities of the data.

Indianapolis

The prosecuting attorney has legal jurisdiction over all felonies and misdemeanors in Marion County.

The data in the tables refer to cases indicted. In Indianapolis the definition of cases indicted includes all felonies disposed in the criminal (felony) court as well as class D felonies disposed in the municipal (lower) court, which has jurisdiction over less serious felony crimes.

Los Angeles

The district attorney has jurisdiction over felonies in Los Angeles County and misdemeanors in unincorporated areas of the county. Municipal prosecutors handle most misdemeanors occurring in the county.

The data in the tables refer to cases filed and cases indicted. In Los Angeles, cases filed exclude a substantial fraction of felony arrests filed as misdemeanors and prosecuted by city prosecutors in the lower court. This definition of cases filed differs from that used in other jurisdictions and from that used for most text exhibits, in which the Los Angeles district attorney's computerized data have been supplemented by Offender-Based Transaction Statistics (OBTS) collected by the State of California. The OBTS data permit tracking outcomes of all felony arrests, including those dropped before filing of court charges and those filed as misdemeanors. The OBTS data, however, are not available by crime type and thus are not reflected in the appendix tables.

Case-processing statistics by crime type and defendant characteristics

The district attorney's computerized data for 1986 undercount the total number of cases indicted. Comparisons with OBTS data suggest that disposition and incarceration rates are not distorted. All indicted cases are included in cases filed but about 20% cannot be directly identified as indicted cases.

Manhattan

The district attorney has jurisdiction over felonies and misdemeanors in New York County (Manhattan). The data in the tables refer to all arrests, cases filed, and cases indicted.

New Orleans

The district attorney has jurisdiction over felonies and misdemeanors in Orleans Parish.

The data in the tables refer to cases filed and cases indicted.

Due to the district attorney's rigorous charging policies, cases are declined for prosecution or they are filed and prosecuted as felonies in a unified court, which handles felonies and misdemeanors. Filing is by information. Thus, cases filed and cases indicted are identical and the numbers are the same in tables 2 and 3 (dispositions for cases filed and cases indicted), tables 6 and 7 (sentences for all convictions and for felony court convictions), and tables 8 and 9 (case-processing time for cases filed and cases indicted). Demographic data are not available.

Portland

The district attorney for Multnomah County has jurisdiction over felonies and misdemeanors.

In 1986 the Portland data tape contained only a partial count of cases declined. Text tables have been adjusted to reflect the actual declination rate. Appendix A tables have not been adjusted and thus undercount the total number of declinations.

The data in the tables refer to all arrests, cases filed, and cases indicted.

Rhode Island

The attorney general for Rhode Island has jurisdiction over all felonies committed in the State. The data in the tables refer to all arrests, cases filed, and cases indicted.

In Rhode Island the police automatically file all felony arrests with the lower court before they are screened by the attorney general's office. Felony arrests are screened after the lower court filing. The attorney general's office either files a felony arrest with the felony court or returns the case to the lower court for dismissal. Other than a dismissal, it is rare for a felony arrest to be disposed in the lower court. Because of this unique processing arrangement, pre-filing declinations do not occur and the number of arrests and cases filed are the same (tables 1 and 2). Similarly, because pleas and trials do not occur in the lower court, the number of sentences for all convictions and for felony court convictions are the same (tables 6 and 7). The data do not include detailed dismissal reasons nor demographic characteristics of defendants.

St. Louis

The circuit attorney for St. Louis has jurisdiction over felonies and serious misdemeanors committed within the city of St. Louis.

The data in the tables refer to cases filed and cases indicted. Cases filed exclude a very small percentage of felony arrests filed as misdemeanors.

San Diego

The district attorney for San Diego County has jurisdiction over all felonies in the county and misdemeanors in unincorporated areas of the county.

The data in the tables refer to all arrests, cases filed, and cases indicted.

Washington, D.C.

The United States Attorney for the District of Columbia has jurisdiction over all felonies and misdemeanors in the District of Columbia.

The data in the tables refer to all arrests, cases filed, and cases indicted. Sentencing data are not recorded in the U.S. Attorney's computerized information system.

Appendix A tables in sequence

Dispositions

1. Disposition of felony arrests presented for prosecution 20
2. Disposition of felony arrests filed in court as felonies or misdemeanors 23
3. Disposition of felony arrests that result in felony indictment 27

Reasons

4. Reasons why felony arrests are declined for prosecution 32
5. Reasons why cases are dismissed after filing or indictment 36

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Los Angeles, California 1986
2a 23 9b 60
3b 27 11a 72
5b 37 12b 79
7b 47 14b 90
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Manhattan, New York 1986
1a 20 8b 52
2b 23 9c 61
3c 28 10a 68
4a 32 11b 73
5c 38 12c 80
6a 44 13a 85
7c 48 14c 91

New Orleans, Louisiana 1986
2c 24 7d 48
3d 28 8c 53
5d 39 9d 62
6b 44

Portland, Oregon 1986
1b 20 8d 54
2d 24 9e 63
3e 29 10b 69
4b 33 11c 74
5e 40 12d 81
6c 45 13b 86
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1c 21 7f 49
2e 25 8e 55
3f 29 9f 64
6d 45

St. Louis, Miscouri 1986
2f 25 9g 65
3g 30 11d 75
5f 41 12e 82
6e 46 13c 87
7g 50 14e 93
8f 56

San Diego, California 1986
1d 21 8g 57
2g 26 9h 66
3h 30 10c 70
4c 34 11e 76
5g 42 12f 83
6f 46 13d 88
7h 50 14f 94

Washington, D.C. 1986
1e 22 8h 58
2h 26 9i 67
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4d 35 11f 77
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Table 1. Disposition of felony arrests presented for prosecution

a. Manhattan, New York
b. Portland, Oregon
c. Rhode Island
d. San Diego, California
e. Washington, D.C.

a. Manhattan, New York 1986

Most serious charge	Total	Arrests resulting in: Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	2%	37%	58%	2%	1%
Murder and manslaughter	100	1	26	45	22	7
Rape	100	0	71	24	3	1
Robbery	100	2	46	46	4	2
Aggravated assault	100	2	56	39	2	1
Burglary	100	2	28	67	2	0
Larceny	100	3	26	68	2	0
Stolen property	100	5	30	65	1	0
Fraud	100	2	31	67	0	0
Drug trafficking	100	1	31	65	1	0
Drug possession	100	2	40	58	0	0
Weapons	100	4	41	51	2	1
Other	100	1	27	68	3	1
Number of felony arrests	36,321	755	13,335	21,106	826	299
Murder and manslaughter	292	4	75	130	63	20
Rape	441	2	311	107	15	6
Robbery	6,629	117	3,078	3,040	291	103
Aggravated assault	4,861	79	2,729	1,916	81	56
Burglary	2,561	45	725	1,726	54	11
Larceny	6,977	238	1,835	4,764	118	22
Stolen property	1,127	54	334	728	7	4
Fraud	510	8	158	343	1	0
Drug trafficking	9,353	140	2,938	6,124	109	42
Drug possession	95	2	38	55	0	0
Weapons	1,178	42	486	606	27	17
Other	2,297	24	628	1,567	60	18

b. Portland, Oregon 1986

Most serious charge	Total	Arrests resulting in: Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	16%	25%	50%	8%	1%
Murder and manslaughter	100	13	5	33	42	7
Rape	100	20	25	42	8	5
Robbery	100	17	21	46	14	1
Aggravated assault	100	17	36	36	8	3
Burglary	100	5	18	60	11	2
Larceny	100	18	17	55	9	1
Stolen property	0	0	0	0	0	0
Fraud	100	9	15	69	4	2
Drug trafficking	100	2	24	60	14	1
Drug possession	100	27	19	45	8	1
Weapons	100	22	24	39	12	2
Other	100	17	32	46	4	1
Number of felony arrests	6,583	1,036	1,617	3,295	542	93
Murder and manslaughter	55	7	3	18	23	4
Rape	193	39	48	81	16	9
Robbery	561	97	117	259	81	7
Aggravated assault	303	53	108	109	25	8
Burglary	891	84	163	531	99	14
Larceny	773	137	135	423	67	11
Stolen property	0	0	0	0	0	0
Fraud	403	38	62	278	18	7
Drug trafficking	342	6	81	206	47	2
Drug possession	599	162	113	269	49	6
Weapons	98	22	24	38	12	2
Other	2,365	391	763	1,083	105	23

*Declinations and dismissals include diversions and referrals for other prosecution.

Note: Appendix tables for Portland undercount the total number of declinations. Adjusted counts are provided in the Overview tables. Stolen property offenses are classified as misdemeanors in Oregon.

c. Rhode Island 1986

Most serious charge	Total	Arrests resulting in: Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	0%	35%	62%	2%	1%
Murder and manslaughter	100	0	30	30	30	11
Rape	100	0	17	59	10	14
Robbery	100	0	18	71	7	4
Aggravated assault	100	0	46	51	1	2
Burglary	100	0	28	71	1	1
Larceny	100	0	30	68	0	2
Stolen property	100	0	35	65	0	0
Fraud	100	0	32	67	0	1
Drug trafficking	100	0	40	59	0	0
Drug possession	100	0	37	62	0	0
Weapons	100	0	33	66	1	0
Other	100	0	37	60	2	1
Number of felony arrests	6,825	0	2,406	4,220	107	92
Murder and manslaughter	27	0	8	8	8	3
Rape	29	0	5	17	3	4
Robbery	157	0	28	112	11	6
Aggravated assault	618	0	282	317	6	13
Burglary	781	0	217	551	6	7
Larceny	277	0	82	189	1	5
Stolen property	125	0	44	81	0	0
Fraud	636	0	201	426	2	7
Drug trafficking	419	0	168	248	2	1
Drug possession	524	0	194	327	1	2
Weapons	107	0	35	71	1	0
Other	3,125	0	1,142	1,873	66	44

Note: In Rhode Island, the police file felony arrests with the lower court prior to screening by the prosecutor. Thus, felony arrests and cases filed are the same, and declinations by the prosecutor prior to court filing do not occur.

d. San Diego, California 1986

Most serious charge	Total	Arrests resulting in: Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	21%	19%	58%	2%	0%
Murder and manslaughter	100	24	8	49	16	3
Rape	100	37	6	51	5	1
Robbery	100	15	18	62	5	1
Aggravated assault	100	30	16	51	2	1
Burglary	100	11	13	75	2	0
Larceny	100	17	16	65	2	0
Stolen property	100	25	20	54	1	0
Fraud	100	13	18	69	0	0
Drug trafficking	100	22	18	59	2	0
Drug possession	100	28	30	42	1	0
Weapons	100	14	13	71	1	1
Other	100	33	24	42	1	0
Number of felony arrests	22,585	4,839	4,185	13,116	364	81
Murder and manslaughter	125	30	10	61	20	4
Rape	461	170	28	235	24	4
Robbery	1,048	152	190	650	49	7
Aggravated assault	1,538	455	246	789	35	13
Burglary	3,798	406	478	2,846	62	6
Larceny	2,057	342	332	1,341	33	9
Stolen property	1,394	349	276	757	8	4
Fraud	1,752	220	320	1,204	7	1
Drug trafficking	2,782	602	488	1,635	46	11
Drug possession	2,560	710	768	1,064	15	3
Weapons	1,388	198	181	988	13	8
Other	3,682	1,205	868	1,546	52	11

*Declinations and dismissals include diversions and referrals for other prosecution.

Table 1. Continued
Disposition of felony arrests presented for prosecution

e. Washington, D.C. 1986

Most serious charge	Total	Arrests resulting in: Declination*	Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of felony arrests	100%	16%	29%	49%	4%	2%
Murder and manslaughter	100	1	30	41	20	8
Rape	100	8	50	32	5	6
Robbery	100	14	40	36	7	3
Aggravated assault	100	30	38	25	4	3
Burglary	100	13	35	43	5	1
Larceny	100	8	36	52	2	2
Stolen property	100	7	27	62	3	1
Fraud	100	8	25	65	2	1
Drug trafficking	100	7	21	67	4	1
Drug possession	0	0	0	0	0	0
Weapons	100	5	33	57	5	0
Other	100	34	28	34	2	2
Number of felony arrests	14,694	2,303	4,282	7,231	593	285
Murder and manslaughter	170	1	51	70	34	14
Rape	280	21	140	89	14	16
Robbery	1,398	193	562	501	100	42
Aggravated assault	1,976	583	750	493	84	66
Burglary	919	124	326	414	43	12
Larceny	920	76	335	474	20	15
Stolen property	351	24	95	216	12	4
Fraud	305	23	76	197	5	4
Drug trafficking	5,793	423	1,205	3,866	224	75
Drug possession	0	0	0	0	0	0
Weapons	153	8	50	87	8	0
Other	2,429	827	692	824	49	37

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

*Declinations and dismissals include diversions and referrals for other prosecution.

Table 2. Disposition of felony arrests filed in court as felonies or misdemeanors

a. Los Angeles, California
b. Manhattan, New York
c. New Orleans, Louisiana
d. Portland, Oregon
e. Rhode Island
f. St. Louis, Missouri
g. San Diego, California
h. Washington, D.C.

a. Los Angeles, California 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	28%	67%	4%	1%
Murder and manslaughter	100	17	61	20	3
Rape	100	18	66	13	3
Robbery	100	24	68	7	2
Aggravated assault	100	29	62	7	3
Burglary	100	17	79	4	1
Larceny	100	20	77	3	0
Stolen property	100	27	68	4	1
Fraud	100	17	80	2	1
Drug trafficking	100	20	76	4	1
Drug possession	100	45	52	2	0
Weapons	100	21	74	4	1
Other	100	43	53	3	1
Number of cases filed	50,491	13,980	33,824	2,242	445
Murder and manslaughter	1,242	208	752	247	35
Rape	958	172	631	123	32
Robbery	4,873	1,184	3,293	321	75
Aggravated assault	2,222	637	1,372	149	64
Burglary	6,494	1,081	5,126	247	40
Larceny	4,000	800	3,062	119	19
Stolen property	994	267	680	39	8
Fraud	964	161	775	23	5
Drug trafficking	12,622	2,479	9,538	532	73
Drug possession	10,515	4,754	5,472	255	34
Weapons	717	153	532	26	6
Other	4,890	2,084	2,591	161	54

Note: A substantial number of felony arrests filed as misdemeanors in Los Angeles are handled by municipal prosecutors and thus are not included in the Los Angeles district attorney's case-tracking system.

b. Manhatttan, New York 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	37%	59%	2%	1%
Murder and manslaughter	100	26	45	22	7
Rape	100	71	24	3	1
Robbery	100	47	47	4	2
Aggravated assault	100	57	40	2	1
Burglary	100	29	69	2	0
Larceny	100	27	71	2	0
Stolen property	100	31	68	1	0
Fraud	100	31	68	0	0
Drug trafficking	100	32	66	1	0
Drug possession	100	41	59	0	0
Weapons	100	43	53	2	1
Other	100	28	69	3	1
Number of cases filed	35,566	13,335	21,106	826	299
Murder and manslaughter	288	75	130	63	20
Rape	439	311	107	15	6
Robbery	6,512	3,078	3,040	291	103
Aggravated assault	4,782	2,729	1,916	81	56
Burglary	2,516	725	1,726	54	11
Larceny	6,739	1,835	4,764	118	22
Stolen property	1,073	334	728	7	4
Fraud	502	158	343	1	0
Drug trafficking	9,213	2,938	6,124	109	42
Drug possession	93	38	55	0	0
Weapons	1,136	486	606	27	17
Other	2,273	628	1,567	60	18

*Dismissals include diversions and referrals for other prosecution.

Table 2. Continued
Disposition of felony arrests filed in court as felonies or misdemeanors

c. New Orleans, Louisiana 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	11%	74%	10%	5%
Murder and manslaughter	100	10	40	41	9
Rape	100	18	40	26	15
Robbery	100	11	64	16	8
Aggravated assault	100	10	61	21	8
Burglary	100	4	84	9	3
Larceny	100	8	81	6	4
Stolen property	100	6	85	6	3
Fraud	100	41	57	3	0
Drug trafficking	100	9	68	18	6
Drug possession	100	11	81	4	4
Weapons	100	11	63	15	11
Other	100	12	74	8	6
Number of cases filed	3,957	434	2,910	409	204
Murder and manslaughter	68	7	27	28	6
Rape	87	16	35	23	13
Robbery	324	37	208	53	26
Aggravated assault	176	18	107	37	14
Burglary	525	23	439	47	16
Larceny	522	44	425	31	22
Stolen property	249	15	212	15	7
Fraud	190	77	108	5	0
Drug trafficking	379	34	256	68	21
Drug possession	600	65	488	25	22
Weapons	132	14	83	20	15
Other	705	84	522	57	42

Note: In New Orleans felony arrests filed and felony arrests indicted are the same.

d. Portland, Oregon 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	29%	59%	10%	2%
Murder and manslaughter	100	6	38	48	8
Rape	100	31	53	10	6
Robbery	100	25	56	17	2
Aggravated assault	100	43	44	10	3
Burglary	100	20	66	12	2
Larceny	100	21	67	11	2
Stolen property	0	0	0	0	0
Fraud	100	17	76	5	2
Drug trafficking	100	24	61	14	1
Drug possession	100	26	62	11	1
Weapons	100	32	50	16	3
Other	100	39	55	5	1
Number of cases filed	5,547	1,617	3,295	542	93
Murder and manslaughter	48	3	18	23	4
Rape	154	48	81	16	9
Robbery	464	117	259	81	7
Aggravated assault	250	108	109	25	8
Burglary	807	163	531	99	14
Larceny	636	135	423	67	11
Stolen property	0	0	0	0	0
Fraud	365	62	278	18	7
Drug trafficking	336	81	206	47	2
Drug possession	437	113	269	49	6
Weapons	76	24	38	12	2
Other	1,974	763	1,083	105	23

*Dismissals include diversions and referrals for other prosecution.

Note: Stolen property offenses are classified as misdemeanors in Oregon.

e. Rhode Island 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	35%	62%	2%	1%
Murder and manslaughter	100	30	30	30	11
Rape	100	17	59	10	14
Robbery	100	18	71	7	4
Aggravated assault	100	46	51	1	2
Burglary	100	28	71	1	1
Larceny	100	30	68	0	2
Stolen property	100	35	65	0	0
Fraud	100	32	67	0	1
Drug trafficking	100	40	59	0	0
Drug possession	100	37	62	0	0
Weapons	100	33	66	1	0
Other	100	37	60	2	1
Number of cases filed	6,825	2,406	4,220	107	92
Murder and manslaughter	27	8	8	8	3
Rape	29	5	17	3	4
Robbery	157	28	112	11	6
Aggravated assault	618	282	317	6	13
Burglary	781	217	551	6	7
Larceny	277	82	189	1	5
Stolen property	125	44	81	0	0
Fraud	636	201	426	2	7
Drug trafficking	419	168	248	2	1
Drug possession	524	194	327	1	2
Weapons	107	35	71	1	0
Other	3,125	1,142	1,873	66	44

Note: In Rhode Island the police file felony arrests with the lower court prior to screening by the prosecutor. Thus, felony arrests and cases filed are the same.

f. St. Louis, Missouri 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	37%	57%	4%	2%
Murder and manslaughter	100	57	23	13	7
Rape	100	48	40	8	3
Robbery	100	37	47	12	4
Aggravated assault	100	46	42	7	5
Burglary	100	32	64	3	1
Larceny	100	38	59	2	1
Stolen property	100	40	56	0	4
Fraud	100	35	63	1	1
Drug trafficking	100	58	41	1	0
Drug possession	100	29	69	2	1
Weapons	100	34	64	1	0
Other	100	39	56	4	1
Number of cases filed	4,050	1,517	2,321	146	66
Murder and manslaughter	136	78	31	18	9
Rape	122	59	49	10	4
Robbery	267	100	125	31	11
Aggravated assault	251	115	106	18	12
Burglary	642	207	413	18	4
Larceny	609	230	361	10	8
Stolen property	73	29	41	0	3
Fraud	210	73	133	2	2
Drug trafficking	149	86	61	2	0
Drug possession	557	160	383	10	4
Weapons	487	165	313	7	2
Other	547	215	305	20	7

*Dismissals include diversions and referrals for other prosecution.

Table 2. Continued
Disposition of felony arrests filed in court as felonies or misdemeanors

g. San Diego, California 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	24%	74%	2%	0%
Murder and manslaughter	100	11	64	21	4
Rape	100	10	81	8	1
Robbery	100	21	73	5	1
Aggravated assault	100	23	73	3	1
Burglary	100	14	84	2	0
Larceny	100	19	78	2	1
Stolen property	100	26	72	1	0
Fraud	100	21	79	0	0
Drug trafficking	100	22	75	2	1
Drug possession	100	42	58	1	0
Weapons	100	15	83	1	1
Other	100	35	62	2	0
Number of cases filed	17,746	4,185	13,116	364	81
Murder and manslaughter	95	10	61	20	4
Rape	291	28	235	24	4
Robbery	896	190	650	49	7
Aggravated assault	1,083	246	789	35	13
Burglary	3,392	478	2,846	62	6
Larceny	1,715	332	1,341	33	9
Stolen property	1,045	276	757	8	4
Fraud	1,532	320	1,204	7	1
Drug trafficking	2,180	488	1,635	46	11
Drug possession	1,850	768	1,064	15	3
Weapons	1,190	181	988	13	8
Other	2,477	868	1,546	52	11

h. Washington, D.C. 1986

Most serious charge	Total	Cases filed resulting in: Dismissal*	Guilty plea	Trial conviction	Trial acquittal
Percent of cases filed	100%	35%	58%	5%	2%
Murder and manslaughter	100	30	41	20	8
Rape	100	54	34	5	6
Robbery	100	47	42	8	3
Aggravated assault	100	54	35	6	5
Burglary	100	41	52	5	2
Larceny	100	40	56	2	2
Stolen property	100	29	66	4	1
Fraud	100	27	70	2	1
Drug trafficking	100	22	72	4	1
Drug possession	0	0	0	0	0
Weapons	100	34	60	6	0
Other	100	43	51	3	2
Number of cases filed	12,391	4,282	7,231	593	285
Murder and manslaughter	169	51	70	34	14
Rape	259	140	89	14	16
Robbery	1,205	562	501	100	42
Aggravated assault	1,393	750	493	84	66
Burglary	795	326	414	43	12
Larceny	844	335	474	20	15
Stolen property	327	95	216	12	4
Fraud	282	76	197	5	4
Drug trafficking	5,370	1,205	3,866	224	75
Drug possession	0	0	0	0	0
Weapons	145	50	87	8	0
Other	1,602	692	824	49	37

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

*Dismissals include diversions and referrals for other prosecution.

Table 3. Disposition of felony arrests that result in felony indictment

a. Indianapolis, Indiana
b. Los Angeles, California
c. Manhattan, New York
d. New Orleans, Louisiana
e. Portland, Oregon
f. Rhode Island
g. St. Louis, Missouri
h. San Diego, California
i. Washington, D.C.

a. Indianapolis, Indiana 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	18%	72%	8%	2%
Murder and manslaughter	100	29	48	19	4
Rape	100	10	69	17	4
Robbery	100	20	65	12	3
Aggravated assault	100	21	56	15	7
Burglary	100	14	76	9	1
Larceny	100	19	74	5	2
Stolen property	0	0	0	0	0
Fraud	100	15	80	4	2
Drug trafficking	100	15	78	6	1
Drug possession	100	22	70	6	2
Weapons	100	12	72	8	8
Other	100	21	71	7	2
Number of cases indicted	3,579	660	2,569	272	78
Murder and manslaughter	52	15	25	10	2
Rape	111	11	77	19	4
Robbery	274	55	177	33	9
Aggravated assault	107	23	60	16	8
Burglary	537	76	407	46	8
Larceny	1,100	213	810	58	19
Stolen property	0	0	0	0	0
Fraud	55	8	44	2	1
Drug trafficking	186	27	145	12	2
Drug possession	170	38	119	10	3
Weapons	100	12	72	8	8
Other	887	182	633	58	14

b. Los Angeles, California 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	9%	81%	8%	2%
Murder and manslaughter	100	6	65	26	4
Rape	100	9	66	19	6
Robbery	100	7	81	10	2
Aggravated assault	100	9	76	11	5
Burglary	100	5	88	6	1
Larceny	100	8	85	6	1
Stolen property	100	11	80	8	2
Fraud	100	7	86	6	1
Drug trafficking	100	9	83	7	1
Drug possession	100	15	78	6	1
Weapons	100	9	82	7	2
Other	100	10	77	10	3
Number of cases indicted	24,763	2,157	20,087	2,097	422
Murder and manslaughter	822	47	535	210	30
Rape	525	48	347	101	29
Robbery	3,013	201	2,432	308	72
Aggravated assault	1,342	121	1,016	143	62
Burglary	3,740	191	3,273	236	40
Larceny	1,861	147	1,581	115	18
Stolen property	473	50	379	36	8
Fraud	368	25	318	21	4
Drug trafficking	6,994	596	5,821	507	70
Drug possession	3,748	552	2,920	242	34
Weapons	370	34	304	26	6
Other	1,507	145	1,161	152	49

*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.
**Dismissals include diversions and referrals for other prosecution.

Note: The absolute number of indicted cases is undercounted in 1986. See appendix A text.

Table 3. Continued
Disposition of felony arrests that result in felony indictment

c. Manhattan, New York 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	11%	79%	7%	2%
Murder and manslaughter	100	18	50	24	8
Rape	100	18	66	13	3
Robbery	100	11	75	10	3
Aggravated assault	100	17	67	11	5
Burglary	100	6	87	6	1
Larceny	100	7	84	8	1
Stolen property	100	20	71	9	0
Fraud	100	18	80	2	0
Drug trafficking	100	10	86	3	1
Drug possession	100	0	100	0	0
Weapons	100	23	72	4	2
Other	100	19	69	9	3
Number of cases indicted	10,181	1,168	8,076	709	228
Murder and manslaughter	260	48	129	63	20
Rape	116	21	76	15	4
Robbery	2,861	325	2,152	285	99
Aggravated assault	568	98	381	61	28
Burglary	849	55	735	50	9
Larceny	1,100	72	929	84	15
Stolen property	80	16	57	7	0
Fraud	49	9	39	1	0
Drug trafficking	3,464	343	2,982	103	36
Drug possession	1	0	1	0	0
Weapons	653	147	471	23	12
Other	180	34	124	17	5

d. New Orleans, Louisiana 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	11%	74%	10%	5%
Murder and manslaughter	100	10	40	41	9
Rape	100	18	40	26	15
Robbery	100	11	64	16	8
Aggravated assault	100	10	61	21	8
Burglary	100	4	84	9	3
Larceny	100	8	81	6	4
Stolen property	100	6	85	6	3
Fraud	100	41	57	3	0
Drug trafficking	100	9	68	18	6
Drug possession	100	11	81	4	4
Weapons	100	11	63	15	11
Other	100	12	74	8	6
Number of cases indicted	3,957	434	2,910	409	204
Murder and manslaughter	68	7	27	28	6
Rape	87	16	35	23	13
Robbery	324	37	208	53	26
Aggravated assault	176	18	107	37	14
Burglary	525	23	439	47	16
Larceny	522	44	425	31	22
Stolen property	249	15	212	15	7
Fraud	190	77	108	5	0
Drug trafficking	379	34	256	68	21
Drug possession	600	65	488	25	22
Weapons	132	14	83	20	15
Other	705	84	522	57	42

*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.
**Dismissals include diversions and referrals for other prosecution.

Note: In New Orleans felony arrests filed and felony arrests indicted are the same.

e. Portland, Oregon 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	14%	72%	12%	2%
Murder and manslaughter	100	2	39	50	9
Rape	100	18	63	12	7
Robbery	100	9	66	23	2
Aggravated assault	100	15	65	15	5
Burglary	100	10	74	14	2
Larceny	100	17	70	11	2
Stolen property	0	0	0	0	0
Fraud	100	11	82	5	2
Drug trafficking	100	18	66	15	1
Drug possession	100	15	71	13	1
Weapons	100	16	62	19	3
Other	100	14	77	7	2
Number of cases indicted	4,397	603	3,176	526	92
Murder and manslaughter	46	1	18	23	4
Rape	129	23	81	16	9
Robbery	351	33	232	79	7
Aggravated assault	155	24	100	23	8
Burglary	668	66	494	94	14
Larceny	589	102	412	64	11
Stolen property	0	0	0	0	0
Fraud	337	37	275	18	7
Drug trafficking	305	54	202	47	2
Drug possession	372	54	264	49	5
Weapons	58	9	36	11	2
Other	1,387	200	1,062	102	23

Note: Stolen property offenses are classified as misdemeanors in Oregon.

f. Rhode Island 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	19%	77%	2%	2%
Murder and manslaughter	100	30	30	30	11
Rape	100	17	59	10	14
Robbery	100	18	71	7	4
Aggravated assault	100	27	69	1	3
Burglary	100	16	82	1	1
Larceny	100	18	80	0	2
Stolen property	100	23	77	0	0
Fraud	100	16	82	0	1
Drug trafficking	100	15	84	1	0
Drug possession	100	9	91	0	1
Weapons	100	9	90	1	0
Other	100	21	75	3	2
Number of cases indicted	5,448	1,029	4,220	107	92
Murder and manslaughter	27	8	8	8	3
Rape	29	5	17	3	4
Robbery	157	28	112	11	6
Aggravated assault	462	126	317	6	13
Burglary	675	111	551	6	7
Larceny	237	42	189	1	5
Stolen property	105	24	81	0	0
Fraud	520	85	426	2	7
Drug trafficking	294	43	248	2	1
Drug possession	361	31	327	1	2
Weapons	79	7	71	1	0
Other	2,502	519	1,873	66	44

*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.
**Dismissals include diversions and referrals for other prosecution.

Table 3. Continued
Disposition of felony arrests that result in felony indictment

g. St. Louis, Missouri 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	12%	81%	5%	2%
Murder and manslaughter	100	22	42	24	12
Rape	100	11	69	14	6
Robbery	100	15	63	16	6
Aggravated assault	100	16	66	11	7
Burglary	100	9	87	4	1
Larceny	100	9	87	2	2
Stolen property	100	14	80	0	6
Fraud	100	9	89	1	1
Drug trafficking	100	6	91	3	0
Drug possession	100	11	85	2	1
Weapons	100	14	83	2	1
Other	100	12	81	5	2
Number of cases indicted	2,829	327	2,290	146	66
Murder and manslaugnter	74	16	31	18	9
Rape	71	8	49	10	4
Robbery	196	30	124	31	11
Aggravated assault	161	25	106	18	12
Burglary	468	41	405	18	4
Larceny	406	35	353	10	8
Stolen property	50	7	40	0	3
Fraud	148	13	131	2	2
Drug trafficking	65	4	59	2	0
Drug possession	447	51	382	10	4
Weapons	369	52	308	7	2
Other	374	45	302	20	7

h. San Diego, California 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	6%	90%	4%	1%
Murder and manslaughter	100	3	69	23	5
Rape	100	2	87	10	2
Robbery	100	6	86	7	1
Aggravated assault	100	7	87	5	1
Burglary	100	5	92	3	0
Larceny	100	7	89	3	1
Stolen property	100	8	90	1	0
Fraud	100	6	93	1	0
Drug trafficking	100	6	91	3	1
Drug possession	100	9	89	2	0
Weapons	100	10	87	3	0
Other	100	5	90	5	1
Number of cases indicted	8,089	468	7,282	292	47
Murder and manslaughter	86	3	59	20	4
Rape	248	5	215	24	4
Robbery	678	43	581	47	7
Aggravated assault	453	31	396	21	5
Burglary	1,937	88	1,791	55	3
Larceny	779	58	695	20	6
Stolen property	404	33	365	4	2
Fraud	749	46	698	5	0
Drug trafficking	1,467	82	1,329	46	10
Drug possession	267	24	237	5	1
Weapons	130	13	113	4	0
Other	891	42	803	41	5

*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.
**Dismissals include diversions and referrals for other prosecution.

i. Washington, D.C. 1986

Most serious charge	Total*	Cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
Percent of cases indicted	100%	15%	75%	7%	3%
Murder and manslaughter	100	14	48	27	11
Rape	100	23	48	14	14
Robbery	100	21	58	14	6
Aggravated assault	100	17	59	14	10
Burglary	100	15	73	10	2
Larceny	100	20	74	6	1
Stolen property	100	21	74	5	1
Fraud	100	9	85	4	1
Drug trafficking	100	12	82	5	1
Drug possession	0	0	0	0	0
Weapons	100	26	66	8	0
Other	100	18	74	6	3
Number of cases indicted	6,782	1,020	5,114	477	171
Murder and manslaughter	124	17	59	34	14
Rape	91	21	44	13	13
Robbery	638	135	373	91	39
Aggravated assault	335	57	199	47	32
Burglary	292	45	213	29	5
Larceny	322	63	238	18	3
Stolen property	260	54	192	12	2
Fraud	74	7	63	3	1
Drug trafficking	3,944	489	3,222	188	45
Drug possession	0	0	0	0	0
Weapons	96	25	63	8	0
Other	606	107	448	34	17

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

*Includes all cases that reach felony court by a grand jury indictment, by a finding of probable cause at a preliminary hearing, or by a filing of an information without a preliminary hearing.
**Dismissals include diversions and referrals for other prosecution.

Table 4. Reasons why felony arrests are declined for prosecution

a. Manhattan, New York
b. Portland, Oregon
c. San Diego, California
d. Washington, D.C.

a. Manhattan, New York 1986

Most serious charge	Total	Arrests declined due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of declinations	100%	65%	23%	3%	5%	0%	0%	2%	2%
Murder and manslaughter	100	100	0	0	0	0	0	0	0
Rape	100	0	0	0	0	0	0	50	50
Robbery	100	56	30	0	3	0	0	9	2
Aggravated assault	100	35	58	0	3	0	0	1	3
Burglary	100	64	33	0	2	0	0	0	0
Larceny	100	68	24	1	4	0	0	1	2
Stolen property	100	74	22	2	2	0	0	0	0
Fraud	100	38	38	13	13	0	0	0	0
Drug trafficking	100	79	0	6	13	0	0	0	2
Drug possession	100	50	0	50	0	0	0	0	0
Weapons	100	88	5	7	0	0	0	0	0
Other	100	46	21	13	13	0	0	4	4
Number of declinations	755	490	176	21	38	0	0	16	14
Murder and manslaughter	4	4	0	0	0	0	0	0	0
Rape	2	0	0	0	0	0	0	1	1
Robbery	117	66	35	0	3	0	0	11	2
Aggravated assault	79	28	46	0	2	0	0	1	2
Burglary	45	29	15	0	1	0	0	0	0
Larceny	238	161	58	3	9	0	0	2	5
Stolen property	54	40	12	1	1	0	0	0	0
Fraud	8	3	3	1	1	0	0	0	0
Drug trafficking	140	110	0	9	18	0	0	0	3
Drug possession	2	1	0	1	0	0	0	0	0
Weapons	42	37	2	3	0	0	0	0	0
Other	24	11	5	3	3	0	0	1	1

b. Portland, Oregon 1986

Most serious charge	Total	Arrests declined due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of declinations	100%	47%	16%	5%	11%	2%	0%	1%	17%
Murder and manslaughter	100	0	29	0	14	0	0	0	57
Rape	100	28	38	0	3	0	0	0	31
Robbery	100	44	28	1	3	2	0	1	21
Aggravated assault	100	38	42	0	6	2	0	0	13
Burglary	100	54	14	1	8	2	0	0	20
Larceny	100	46	20	2	7	4	0	1	20
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	100	39	18	3	13	0	0	3	24
Drug trafficking	100	83	0	0	0	0	0	0	17
Drug possession	100	58	1	26	5	1	0	0	9
Weapons	100	55	5	14	9	5	0	0	14
Other	100	45	14	1	20	2	0	1	17
Number of declinations	1,036	483	170	56	118	20	0	9	180
Murder and manslaughter	7	0	2	0	1	0	0	0	4
Rape	39	11	15	0	1	0	0	0	12
Robbery	97	43	27	1	3	2	0	1	20
Aggravated assault	53	20	22	0	3	1	0	0	7
Burglary	84	45	12	1	7	2	0	0	17
Larceny	137	63	28	3	9	5	0	2	27
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	38	15	7	1	5	0	0	1	9
Drug trafficking	6	5	0	0	0	0	0	0	1
Drug possession	162	94	2	42	8	1	0	0	15
Weapons	22	12	1	3	2	1	0	0	3
Other	391	175	54	5	79	8	0	5	65

Note: Appendix tables for Portland undercount the total number of declinations. Adjusted counts are provided in the Overview tables. Stolen property offenses are classified as misdemeanors in Oregon.

Table 4. Continued
Reasons why felony arrests are declined for prosecution

c. San Diego, California 1986

Most serious charge	Total	Arrests declined due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of declinations	100%	42%	18%	13%	8%	1%	0%	11%	7%
Murder and manslaughter	100	83	0	0	3	0	0	0	13
Rape	100	32	60	2	4	1	0	1	2
Robbery	100	45	32	2	9	0	0	7	5
Aggravated assault	100	27	52	0	8	0	0	8	4
Burglary	100	49	13	6	6	2	0	15	9
Larceny	100	47	10	2	8	1	0	24	7
Stolen property	100	57	10	8	6	3	0	7	8
Fraud	100	45	7	4	11	8	0	11	14
Drug trafficking	100	48	2	27	4	1	0	9	9
Drug possession	100	32	1	38	11	1	0	10	6
Weapons	100	38	4	23	15	1	0	15	5
Other	100	44	29	4	7	1	1	11	4
Number of declinations	4,839	2,054	892	608	374	62	9	525	315
Murder and manslaughter	30	25	0	0	1	0	0	0	4
Rape	170	54	102	3	6	1	0	1	3
Robbery	152	69	48	3	13	0	0	11	8
Aggravated assault	455	122	235	2	37	2	0	37	20
Burglary	406	198	53	23	25	8	0	61	38
Larceny	342	161	35	8	26	5	1	82	24
Stolen property	349	200	36	29	21	10	0	24	29
Fraud	220	99	16	8	25	17	1	24	30
Drug trafficking	602	289	10	164	24	4	0	54	57
Drug possession	710	228	5	273	81	6	0	73	44
Weapons	198	76	8	45	29	2	0	29	9
Other	1,205	533	344	50	86	7	7	129	49

d. Washington, D.C. 1986

Most serious charge	Total	Arrests declined due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of declinations	100%	36%	16%	2%	24%	1%	0%	1%	20%
Murder and manslaughter	100	0	0	0	0	100	0	0	0
Rape	100	10	33	5	10	0	0	0	43
Robbery	100	28	34	0	17	2	0	0	20
Aggravated assault	100	11	27	0	44	1	0	0	17
Burglary	100	25	17	0	36	2	0	0	20
Larceny	100	29	16	0	30	4	0	0	21
Stolen property	100	50	0	0	8	0	0	8	33
Fraud	100	30	26	0	26	0	0	0	17
Drug trafficking	100	57	2	9	12	2	0	0	17
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	50	0	0	0	13	0	0	38
Other	100	47	10	0	17	1	0	2	23
Number of declinations	2,303	827	362	40	554	32	2	19	467
Murder and manslaughter	1	0	0	0	0	1	0	0	0
Rape	21	2	7	1	2	0	0	0	9
Robbery	193	54	66	0	32	3	0	0	38
Aggravated assault	583	65	159	0	254	3	1	1	100
Burglary	124	31	21	0	45	2	0	0	25
Larceny	76	22	12	0	23	3	0	0	16
Stolen property	24	12	0	0	2	0	0	2	8
Fraud	23	7	6	0	6	0	0	0	4
Drug trafficking	423	241	10	38	51	8	0	1	74
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	8	4	0	0	0	1	0	0	3
Other	827	389	81	1	139	11	1	15	190

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

Table 5. Reasons why cases are dismissed after filing or indictment

a. Indianapolis, Indiana
b. Los Angeles, California
c. Manhattan, New York
d. New Orleans, Louisiana
e. Portland, Oregon
f. St. Louis, Missouri
g. San Diego, California
h. Washington, D.C.

a. Indianapolis, Indiana 1986

		Cases dismissed due to:							
Most serious charge	Total	Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	25%	23%	1%	14%	10%	1%	3%	22%
Murder and manslaughter	100	40	27	0	7	20	0	0	7
Rape	100	9	45	0	9	0	9	0	27
Robbery	100	27	22	0	11	20	0	2	18
Aggravated assault	100	30	39	4	13	9	0	0	4
Burglary	100	24	24	1	18	11	4	3	16
Larceny	100	28	24	1	14	7	0	4	22
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	100	25	25	0	0	25	0	0	25
Drug trafficking	100	30	4	4	7	22	0	7	26
Drug possession	100	26	5	0	32	3	0	0	34
Weapons	100	50	8	0	8	0	0	0	33
Other	100	18	26	1	13	12	2	4	24
Number of dismissals	660	165	153	7	93	69	7	22	144
Murder and manslaughter	15	6	4	0	1	3	0	0	1
Rape	11	1	5	0	1	0	1	0	3
Robbery	55	15	12	0	6	11	0	1	10
Aggravated assault	23	7	9	1	3	2	0	0	1
Burglary	76	18	18	1	14	8	3	2	12
Larceny	213	60	51	2	29	15	0	9	47
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	8	2	2	0	0	2	0	0	2
Drug trafficking	27	8	1	1	2	6	0	2	7
Drug possession	38	10	2	0	12	1	0	0	13
Weapons	12	6	1	0	1	0	0	0	4
Other	182	32	48	2	24	21	3	8	44

Note: In Indianapolis dismissal reasons are for cases indicted.

b. Los Angeles, California 1986

Most serious charge	Total	Cases dismissed due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	19%	13%	5%	23%	7%	20%	4%	9%
Murder and manslaughter	100	27	20	7	22	14	0	1	9
Rape	100	28	17	10	16	13	0	1	15
Robbery	100	20	23	8	22	10	0	1	16
Aggravated assault	100	19	29	8	21	8	1	1	14
Burglary	100	26	23	6	21	12	0	1	11
Larceny	100	22	17	9	22	14	1	1	14
Stolen property	100	22	21	9	22	7	1	0	18
Fraud	100	21	17	6	24	15	2	0	15
Drug trafficking	100	27	13	5	24	8	9	3	11
Drug possession	100	17	7	2	11	5	52	0	5
Weapons	100	29	18	7	17	7	9	0	12
Other	100	7	6	3	52	5	1	21	6
Number of dismissals	13,980	2,689	1,822	669	3,193	1,003	2,743	574	1,287
Murder and manslaughter	208	56	42	15	45	29	0	3	18
Rape	172	48	29	17	28	23	0	2	25
Robbery	1,184	238	269	94	263	113	1	16	190
Aggravated assault	637	124	184	52	131	49	4	5	88
Burglary	1,081	278	246	70	222	126	1	16	122
Larceny	800	175	139	71	179	109	7	6	114
Stolen property	267	59	56	23	59	18	3	1	48
Fraud	161	34	27	9	39	24	4	0	24
Drug trafficking	2,479	672	333	132	586	190	226	63	277
Drug possession	4,754	810	354	105	534	217	2,471	21	242
Weapons	153	44	28	11	26	11	14	0	19
Other	2,084	151	115	70	1,081	94	12	441	120

Note: In Los Angeles dismissal reasons are for cases filed, but they exclude a substantial number of felony arrests that are filed as misdemeanors and handled by municipal prosecutors.

Table 5. Continued
Reasons why cases are dismissed after filing or indictment

c. Manhattan, New York 1986

Most serious charge	Total	Cases dismissed due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	21%	27%	0%	12%	6%	1%	0%	33%
Murder and manslaughter	100	23	5	0	0	16	11	3	43
Rape	100	11	59	0	4	1	1	0	25
Robbery	100	20	39	0	3	5	0	0	34
Aggravated assault	100	13	47	0	11	3	1	0	25
Burglary	100	23	24	0	11	7	1	0	34
Larceny	100	24	24	0	13	7	0	0	32
Stolen property	100	23	9	1	21	8	0	0	39
Fraud	100	21	17	1	19	5	2	0	35
Drug trafficking	100	25	3	1	21	12	0	0	39
Drug possession	100	8	0	0	58	5	0	0	29
Weapons	100	39	8	2	2	4	1	0	44
Other	100	18	24	0	13	4	1	1	38
Number of dismissals	13,335	2,746	3,637	32	1,544	830	80	20	4,446
Murder and manslaughter	75	17	4	0	0	12	8	2	32
Rape	311	33	182	0	11	4	2	0	79
Robbery	3,078	601	1,208	1	81	141	13	1	1,032
Aggravated assault	2,729	344	1,276	0	313	70	28	4	694
Burglary	725	164	177	0	83	49	5	1	246
Larceny	1,835	433	443	0	238	130	6	4	581
Stolen property	334	76	31	2	69	27	0	0	129
Fraud	158	33	27	1	30	8	3	0	56
Drug trafficking	2,938	741	100	15	604	338	5	3	1,132
Drug possession	38	3	0	0	22	2	0	0	11
Weapons	486	188	37	11	10	21	4	0	215
Other	628	113	152	2	83	28	6	5	239

Note: In Manhattan dismissal reasons are for cases filed.

d. New Orleans, Louisiana 1986

Most serious charge	Total	Cases dismissed due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	21%	15%	10%	11%	24%	5%	0%	15%
Murder and manslaughter	100	29	0	0	14	57	0	0	0
Rape	100	31	19	0	13	31	0	0	6
Robbery	100	8	27	5	8	32	0	0	19
Aggravated assault	100	0	44	0	11	28	0	0	17
Burglary	100	17	39	0	9	13	0	0	22
Larceny	100	23	32	2	11	16	0	0	16
Stolen property	100	47	7	0	27	13	0	0	7
Fraud	100	6	6	0	9	49	1	0	27
Drug trafficking	100	12	6	44	6	18	6	3	6
Drug possession	100	32	6	29	18	6	6	0	2
Weapons	100	21	7	36	0	29	0	0	7
Other	100	31	7	4	7	19	15	0	17
Number of dismissals	434	90	63	45	46	106	20	1	63
Murder and manslaughter	7	2	0	0	1	4	0	0	0
Rape	16	5	3	0	2	5	0	0	1
Robbery	37	3	10	2	3	12	0	0	7
Aggravated assault	18	0	8	0	2	5	0	0	3
Burglary	23	4	9	0	2	3	0	0	5
Larceny	44	10	14	1	5	7	0	0	7
Stolen property	15	7	1	0	4	2	0	0	1
Fraud	77	5	5	0	7	38	1	0	21
Drug trafficking	34	4	2	15	2	6	2	1	2
Drug possession	65	21	4	19	12	4	4	0	1
Weapons	14	3	1	5	0	4	0	0	1
Other	84	26	6	3	6	16	13	0	14

Note: In New Orleans cases filed and cases indicted are the same.

Table 5. Continued
Reasons why cases are dismissed after filing or indictment

e. Portland, Oregon 1986

Most serious charge	Total	Cases dismissed due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	18%	14%	1%	5%	21%	6%	24%	12%
Murder and manslaughter	100	0	0	0	0	33	0	0	67
Rape	100	15	38	0	8	17	2	2	19
Robbery	100	21	30	0	3	21	0	1	24
Aggravated assault	100	12	44	0	5	14	2	1	22
Burglary	100	19	17	2	3	35	5	2	17
Larceny	100	12	5	1	4	37	27	1	13
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	100	26	3	0	2	34	15	2	19
Drug trafficking	100	48	5	10	12	16	1	1	6
Drug possession	100	48	7	5	4	26	0	1	9
Weapons	100	46	25	0	4	13	0	0	13
Other	100	9	10	1	4	15	4	50	7
Number of dismissals	1,617	283	232	22	73	335	89	389	194
Murder and manslaughter	3	0	0	0	0	1	0	0	2
Rape	48	7	18	0	4	8	1	1	9
Robbery	117	24	35	0	4	25	0	1	28
Aggravated assault	108	13	48	0	5	15	2	1	24
Burglary	163	31	28	3	5	57	8	3	28
Larceny	135	16	7	1	6	50	36	2	17
Stolen property	0	0	0	0	0	0	0	0	0
Fraud	62	16	2	0	1	21	9	1	12
Drug trafficking	81	39	4	8	10	13	1	1	5
Drug possession	113	54	8	6	5	29	0	1	10
Weapons	24	11	6	0	1	3	0	0	3
Other	763	72	76	4	32	113	32	378	56

Note: In Portland dismissal reasons are for cases filed. Stolen property offenses are classified as misdemeanors in Oregon.

f. St. Louis, Missouri 1986

Most serious charge	Total	Cases dismissed due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	13%	5%	1%	2%	59%	1%	2%	18%
Murder and manslaughter	100	12	9	0	0	58	0	0	22
Rape	100	3	10	2	0	66	2	0	17
Robbery	100	8	13	1	0	60	1	5	12
Aggravated assault	100	9	10	0	1	65	0	0	15
Burglary	100	12	5	1	0	65	0	0	16
Larceny	100	10	4	1	1	60	4	1	19
Stolen property	100	34	0	0	3	31	0	0	31
Fraud	100	11	1	3	3	68	5	4	4
Drug trafficking	100	6	1	0	1	85	0	0	7
Drug possession	100	15	1	2	3	46	0	2	27
Weapons	100	25	4	0	4	32	1	4	30
Other	100	13	2	1	2	64	1	2	14
Number of dismissals	1,517	200	71	14	25	890	19	25	273
Murder and manslaughter	78	9	7	0	0	45	0	0	17
Rape	59	2	6	1	0	39	1	0	10
Robbery	100	8	13	1	0	60	1	5	12
Aggravated assault	115	10	12	0	1	75	0	0	17
Burglary	207	25	10	3	0	135	1	0	33
Larceny	230	23	9	2	3	139	9	2	43
Stolen property	29	10	0	0	1	9	0	0	9
Fraud	73	8	1	2	2	50	4	3	3
Drug trafficking	86	5	1	0	1	73	0	0	6
Drug possession	160	31	1	3	5	74	0	3	43
Weapons	165	42	6	0	7	53	1	7	49
Other	215	27	5	2	5	138	2	5	31

Note: In St. Louis dismissal reasons are for cases filed.

Table 5. Continued
Reasons why cases are dismissed after filing or indictment

g. San Diego, California 1986

Most serious charge	Total	Cases dismissed due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	11%	9%	1%	10%	11%	13%	30%	15%
Murder and manslaughter	100	10	10	0	40	0	0	0	40
Rape	100	32	32	0	21	4	0	0	11
Robbery	100	19	27	0	8	10	0	21	14
Aggravated assault	100	13	24	0	5	3	3	34	17
Burglary	100	12	18	0	8	18	1	27	15
Larceny	100	11	13	1	9	16	1	29	22
Stolen property	100	13	10	0	10	18	0	35	13
Fraud	100	7	5	2	26	12	4	22	23
Drug trafficking	100	15	7	1	9	12	29	14	13
Drug possession	100	9	2	2	8	13	47	11	9
Weapons	100	10	5	1	20	22	6	23	13
Other	100	7	5	0	5	3	1	61	18
Number of dismissals	4,185	450	397	36	406	481	544	1,236	635
Murder and manslaughter	10	1	1	0	4	0	0	0	4
Rape	28	9	9	0	6	1	0	0	3
Robbery	190	37	51	0	16	19	0	40	27
Aggravated assault	246	32	60	1	12	8	8	83	42
Burglary	478	58	86	2	40	86	3	130	73
Larceny	332	35	44	2	29	52	3	95	72
Stolen property	276	37	28	0	28	51	1	96	35
Fraud	320	23	16	5	84	37	14	69	72
Drug trafficking	488	75	33	7	43	60	140	67	63
Drug possession	768	67	16	13	63	101	358	84	66
Weapons	181	19	9	2	36	39	11	42	23
Other	868	57	44	4	45	27	6	530	155

Note: In San Diego dismissal reasons are for cases filed.

h. Washington, D.C. 1986

Most serious charge	Total	Cases dismissed due to: Insufficient evidence	Witness problems	Due process problems	Interest of justice	Covered by other case	Referral to diversion	Referral for other prosecution	Other
Percent of dismissals	100%	13%	11%	1%	4%	8%	3%	1%	59%
Murder and manslaughter	100	22	0	0	6	31	0	0	41
Rape	100	10	21	0	1	19	16	0	33
Robbery	100	19	28	0	5	7	1	0	40
Aggravated assault	100	7	20	0	3	3	2	0	64
Burglary	100	17	8	1	2	8	4	0	60
Larceny	100	7	4	1	3	6	9	1	69
Stolen property	100	12	5	0	3	9	0	3	67
Fraud	100	16	14	0	5	12	7	5	41
Drug trafficking	100	13	2	2	2	6	1	2	72
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	100	18	8	6	0	14	0	0	54
Other	100	13	7	0	6	15	7	3	49
Number of dismissals	4,282	548	464	38	153	350	147	56	2,526
Murder and manslaughter	51	11	0	0	3	16	0	0	21
Rape	140	14	29	0	2	27	22	0	46
Robbery	562	107	156	2	26	40	4	2	225
Aggravated assault	750	55	147	1	26	22	18	2	479
Burglary	326	55	26	3	7	26	12	1	196
Larceny	335	24	14	3	10	21	29	4	230
Stolen property	95	11	5	0	3	9	0	3	64
Fraud	76	12	11	0	4	9	5	4	31
Drug trafficking	1,205	158	26	24	29	68	9	21	870
Drug possession	0	0	0	0	0	0	0	0	0
Weapons	50	9	4	3	0	7	0	0	27
Other	692	92	46	2	43	105	48	19	337

Note: In Washington, D.C., dismissal reasons are for cases filed. Drug possession offenses are classified as misdemeanors in Washington, D.C.

Table 6. Incarceration rates for filed cases convicted in felony or misdemeanor court

a. Manhattan, New York
b. New Orleans, Louisiana
c. Portland, Oregon
d. Rhode Island
e. St. Louis, Missouri
f. San Diego, California

a. Manhattan, New York 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	36%	39%	6%	19%
Murder and manslaughter	100	4	1	1	95
Rape	100	28	21	1	50
Robbery	100	22	24	10	44
Aggravated assault	100	44	43	3	11
Burglary	100	22	44	10	24
Larceny	100	38	49	5	8
Stolen property	100	33	62	2	4
Fraud	100	51	41	2	6
Drug trafficking	100	35	41	7	18
Drug possession	100	46	54	0	0
Weapons	100	53	18	11	17
Other	100	68	27	1	4
Number of convictions	21,159	7,674	8,220	1,306	3,959
Murder and manslaughter	192	8	1	1	182
Rape	119	33	25	1	60
Robbery	3,257	731	768	311	1,447
Aggravated assault	1,938	844	829	53	212
Burglary	1,744	392	768	169	415
Larceny	4,681	1,775	2,274	257	375
Stolen property	703	229	433	13	28
Fraud	326	167	134	7	18
Drug trafficking	5,987	2,087	2,433	407	1,060
Drug possession	54	25	29	0	0
Weapons	606	321	112	68	105
Other	1,552	1,062	414	19	57

b. New Orleans, Louisiana 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	47%	12%	6%	35%
Murder and manslaughter	100	11	5	0	84
Rape	100	18	0	5	77
Robbery	100	16	5	4	75
Aggravated assault	100	39	12	5	44
Burglary	100	37	7	9	47
Larceny	100	55	17	12	16
Stolen property	100	58	9	6	27
Fraud	100	52	4	5	39
Drug trafficking	100	59	4	3	35
Drug possession	100	68	6	4	22
Weapons	100	22	12	5	61
Other	100	46	28	5	20
Number of convictions	3,257	1,538	379	199	1,141
Murder and manslaughter	55	6	3	0	46
Rape	57	10	0	3	44
Robbery	257	41	13	11	192
Aggravated assault	141	55	17	7	62
Burglary	483	178	35	45	225
Larceny	444	245	75	54	70
Stolen property	223	129	20	13	61
Fraud	109	57	4	5	43
Drug trafficking	319	188	12	8	111
Drug possession	505	345	29	18	113
Weapons	99	22	12	5	60
Other	565	262	159	30	114

*Includes only cases with known sentencing data.

Note: In New Orleans cases filed and cases indicted are the same.

c. Portland, Oregon 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	60%	4%	3%	34%
Murder and manslaughter	100	11	0	0	89
Rape	100	42	1	1	55
Robbery	100	42	2	2	54
Aggravated assault	100	66	7	1	26
Burglary	100	51	4	1	44
Larceny	100	67	2	2	29
Stolen property	0	0	0	0	0
Fraud	100	71	1	0	28
Drug trafficking	100	66	2	1	31
Drug possession	100	65	2	2	31
Weapons	100	45	2	2	51
Other	100	64	6	6	24
Number of convictions	3,739	2,239	136	104	1,260
Murder and manslaughter	38	4	0	0	34
Rape	92	39	1	1	51
Robbery	327	137	8	5	177
Aggravated assault	129	85	9	1	34
Burglary	611	311	25	5	270
Larceny	481	321	12	10	138
Stolen property	0	0	0	0	0
Fraud	285	202	3	1	79
Drug trafficking	249	164	4	3	78
Drug possession	315	205	5	7	98
Weapons	49	22	1	1	25
Other	1,163	749	68	70	276

Note: Stolen property offenses are classified as misdemeanors in Oregon.

d. Rhode Island 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	71%	9%	6%	14%
Murder and manslaughter	100	6	6	0	88
Rape	100	35	0	5	60
Robbery	100	22	5	2	71
Aggravated assault	100	72	7	4	16
Burglary	100	46	12	7	35
Larceny	100	58	8	6	28
Stolen property	100	72	11	5	12
Fraud	100	84	5	6	5
Drug trafficking	100	72	9	6	13
Drug possession	100	82	7	7	4
Weapons	100	85	4	3	8
Other	100	77	11	6	6
Number of convictions	4,314	3,051	399	257	607
Murder and manslaughter	16	1	1	0	14
Rape	20	7	0	1	12
Robbery	123	27	6	3	87
Aggravated assault	322	233	23	13	53
Burglary	555	255	67	38	195
Larceny	189	109	16	12	52
Stolen property	81	58	9	4	10
Fraud	428	359	23	26	20
Drug trafficking	250	180	23	15	32
Drug possession	328	268	22	24	14
Weapons	72	61	3	2	6
Other	1,930	1,493	206	119	112

Note: In Rhode Island all felony arrest convictions occur in the felony court. Dispositions of filed cases in the lower court are all dismissals. This case-processing arrangement results in the same incarceration rates for filed and indicted cases.

*Includes only cases with known sentencing data.

Table 6. Continued
Incarceration rates for filed cases convicted in felony or misdemeanor court

e. St. Louis, Missouri 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	43%	7%	10%	40%
Murder and manslaughter	100	2	0	0	98
Rape	100	19	0	5	76
Robbery	100	18	3	5	74
Aggravated assault	100	33	4	10	52
Burglary	100	36	6	11	47
Larceny	100	47	8	13	32
Stolen property	100	51	10	15	24
Fraud	100	61	6	11	21
Drug trafficking	100	63	2	5	30
Drug possession	100	50	6	10	34
Weapons	100	62	9	8	22
Other	100	38	11	13	38
Number of convictions	2,456	1,068	168	247	973
Murder and manslaughter	48	1	0	0	47
Rape	59	11	0	3	45
Robbery	155	28	5	7	115
Aggravated assault	124	41	5	13	65
Burglary	429	153	27	47	202
Larceny	369	175	29	47	118
Stolen property	41	21	4	6	10
Fraud	135	83	8	15	29
Drug trafficking	63	40	1	3	19
Drug possession	391	195	25	39	132
Weapons	320	197	28	26	69
Other	322	123	36	41	122

f. San Diego, California 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	16%	58%	9%	17%
Murder and manslaughter	100	5	6	6	83
Rape	100	15	33	12	40
Robbery	100	6	33	16	45
Aggravated assault	100	18	57	10	15
Burglary	100	9	56	11	24
Larceny	100	14	64	9	12
Stolen property	100	11	68	8	13
Fraud	100	18	73	5	5
Drug trafficking	100	11	57	13	19
Drug possession	100	27	63	4	5
Weapons	100	40	55	2	3
Other	100	18	61	8	13
Number of convictions	13,143	2,116	7,674	1,167	2,186
Murder and manslaughter	80	4	5	5	66
Rape	252	39	82	29	102
Robbery	683	43	227	107	306
Aggravated assault	796	143	451	83	119
Burglary	2,832	245	1,598	315	674
Larceny	1,348	194	866	125	163
Stolen property	759	86	516	61	96
Fraud	1,183	210	861	54	58
Drug trafficking	1,621	186	921	212	302
Drug possession	1,044	287	658	42	57
Weapons	987	396	542	16	33
Other	1,538	283	947	118	210

*Includes only cases with known sentencing data.

Table 7. Incarceration rates for indicted cases convicted in felony court

a. Indianapolis, Indiana
b. Los Angeles, California
c. Manhattan, New York
d. New Orleans, Louisiana
e. Portland, Oregon
f. Rhode Island
g. St. Louis, Missouri
h. San Diego, California

a. Indianapolis, Indiana 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	36%	9%	12%	43%
Murder and manslaughter	100	0	0	0	100
Rape	100	6	0	6	87
Robbery	100	15	2	6	76
Aggravated assault	100	30	5	5	59
Burglary	100	40	6	7	48
Larceny	100	38	12	16	34
Stolen property	0	0	0	0	0
Fraud	100	63	0	4	33
Drug trafficking	100	46	3	7	45
Drug possession	100	58	11	13	19
Weapons	100	46	17	22	15
Other	100	35	12	16	38
Number of convictions	2,815	1,012	253	344	1,206
Murder and manslaughter	34	0	0	0	34
Rape	95	6	0	6	83
Robbery	210	32	5	13	160
Aggravated assault	76	23	4	4	45
Burglary	450	179	26	31	214
Larceny	858	325	106	137	290
Stolen property	0	0	0	0	0
Fraud	46	29	0	2	15
Drug trafficking	157	72	4	11	70
Drug possession	128	74	14	16	24
Weapons	78	36	13	17	12
Other	683	236	81	107	259

b. Los Angeles, California 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	7%	39%	13%	41%
Murder and manslaughter	100	3	8	4	85
Rape	100	6	15	13	66
Robbery	100	2	21	14	63
Aggravated assault	100	8	38	14	39
Burglary	100	3	29	14	54
Larceny	100	9	38	14	39
Stolen property	100	13	38	11	38
Fraud	100	11	39	12	38
Drug trafficking	100	7	54	14	25
Drug possession	100	10	55	12	24
Weapons	100	11	35	12	43
Other	100	13	33	14	40
Number of convictions	21,047	1,441	8,300	2,776	8,530
Murder and manslaughter	696	18	54	31	593
Rape	425	26	62	56	281
Robbery	2,593	59	532	361	1,641
Aggravated assault	1,097	91	417	157	432
Burglary	3,376	90	987	489	1,810
Larceny	1,617	139	616	230	632
Stolen property	399	53	152	42	152
Fraud	327	37	126	40	124
Drug trafficking	5,970	436	3,194	819	1,521
Drug possession	2,997	294	1,640	345	718
Weapons	310	34	107	37	132
Other	1,240	164	413	169	494

*Includes only cases with known sentencing data.

Note: The absolute number of indicted cases is undercounted in 1986. See appendix A text.

Table 7. Continued
Incarceration rates for indicted cases convicted in felony court

c. Manhattan, New York 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	24%	18%	12%	46%
Murder and manslaughter	100	4	1	1	95
Rape	100	22	9	1	67
Robbery	100	18	11	11	60
Aggravated assault	100	23	19	9	49
Burglary	100	14	15	17	53
Larceny	100	28	20	14	38
Stolen property	100	24	26	5	45
Fraud	100	32	11	11	47
Drug trafficking	100	26	26	12	35
Drug possession	100	0	100	0	0
Weapons	100	50	14	14	22
Other	100	35	12	9	43
Number of convictions	8,563	2,036	1,551	1,025	3,951
Murder and manslaughter	191	7	1	1	182
Rape	89	20	8	1	60
Robbery	2,396	423	267	239	1,447
Aggravated assault	435	101	84	39	211
Burglary	775	110	116	135	414
Larceny	987	281	193	140	373
Stolen property	58	14	15	3	26
Fraud	38	12	4	4	18
Drug trafficking	2,992	788	781	364	1,059
Drug possession	1	0	1	0	0
Weapons	471	234	65	67	105
Other	130	46	16	12	56

d. New Orleans, Louisiana 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	47%	12%	6%	35%
Murder and manslaughter	100	11	5	0	84
Rape	100	18	0	5	77
Robbery	100	16	5	4	75
Aggravated assault	100	39	12	5	44
Burglary	100	37	7	9	47
Larceny	100	55	17	12	16
Stolen property	100	58	9	6	27
Fraud	100	52	4	5	39
Drug trafficking	100	59	4	3	35
Drug possession	100	68	6	4	22
Weapons	100	22	12	5	61
Other	100	46	28	5	20
Number of convictions	3,237	1,538	379	199	1,141
Murder and manslaughter	55	6	3	0	46
Rape	57	10	0	3	44
Robbery	257	41	13	11	192
Aggravated assault	141	55	17	7	62
Burglary	483	178	35	45	225
Larceny	444	245	75	54	70
Stolen property	223	129	20	13	61
Fraud	109	57	4	5	43
Drug trafficking	319	188	12	8	111
Drug possession	505	345	29	18	113
Weapons	99	22	12	5	60
Other	565	262	139	30	114

*Includes only cases with known sentencing data.

Note: In New Orleans cases filed and cases indicted are the same.

e. Portland, Oregon 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	59%	3%	3%	35%
Murder and manslaughter	100	11	0	0	89
Rape	100	42	1	1	55
Robbery	100	38	1	2	59
Aggravated assault	100	69	2	1	29
Burglary	100	50	2	1	47
Larceny	100	66	2	2	30
Stolen property	0	0	0	0	0
Fraud	100	71	1	0	28
Drug trafficking	100	65	2	1	32
Drug possession	100	65	2	2	32
Weapons	100	41	2	2	54
Other	100	64	5	6	24
Number of convictions	3,604	2,140	101	103	1,260
Murder and manslaughter	38	4	0	0	34
Rape	92	39	1	1	51
Robbery	298	114	2	5	177
Aggravated assault	118	81	2	1	34
Burglary	569	283	11	5	270
Larceny	467	309	10	10	138
Stolen property	0	0	0	0	0
Fraud	282	199	3	1	79
Drug trafficking	245	160	4	3	78
Drug possession	310	200	5	7	98
Weapons	46	19	1	1	25
Other	1,139	732	62	69	276

Note: Stolen property offenses are classified as misdemeanors in Oregon.

f. Rhode Island 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	71%	9%	6%	14%
Murder and manslaughter	100	6	6	0	88
Rape	100	35	0	5	60
Robbery	100	22	5	2	71
Aggravated assault	100	72	7	4	16
Burglary	100	46	12	7	35
Larceny	100	58	8	6	28
Stolen property	100	72	11	5	12
Fraud	100	84	5	6	5
Drug trafficking	100	72	9	6	13
Drug possession	100	82	7	7	4
Weapons	100	85	4	3	8
Other	100	77	11	6	6
Number of convictions	4,314	3,051	399	257	607
Murder and manslaughter	16	1	1	0	14
Rape	20	7	0	1	12
Robbery	123	27	6	3	87
Aggravated assault	322	233	23	13	53
Burglary	555	255	67	38	195
Larceny	189	109	16	12	52
Stolen property	81	58	9	4	10
Fraud	428	359	23	26	20
Drug trafficking	250	180	23	15	32
Drug possession	328	268	22	24	14
Weapons	72	61	3	2	6
Other	1,930	1,493	206	119	112

Note: In Rhode Island all felony arrest convictions occur in the felony court. Dispositions of filed cases in the lower court are all dismissals. This case-processing arrangement results in the same incarceration rates for filed and indicted cases.

*Includes only cases with known sentencing data.

Table 7. Continued
Incarceration rates for indicted cases convicted in felony court

g. St. Louis, Missouri 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	44%	7%	10%	40%
Murder and manslaughter	100	2	0	0	98
Rape	100	19	0	5	76
Robbery	100	18	3	5	74
Aggravated assault	100	33	4	10	52
Burglary	100	36	6	11	47
Larceny	100	48	8	13	31
Stolen property	100	52	10	15	23
Fraud	100	62	6	11	21
Drug trafficking	100	62	2	5	31
Drug possession	100	50	6	10	34
Weapons	100	62	9	8	22
Other	100	39	11	13	38
Number of convictions	2,425	1,058	164	244	959
Murder and manslaughter	48	1	0	0	47
Rape	59	11	0	3	45
Robbery	154	28	5	7	114
Aggravated assault	124	41	5	13	65
Burglary	421	151	27	45	198
Larceny	361	173	28	47	113
Stolen property	40	21	4	6	9
Fraud	133	82	8	15	28
Drug trafficking	61	38	1	3	19
Drug possession	390	195	25	39	131
Weapons	315	194	27	25	69
Other	319	123	34	41	121

h. San Diego, California 1986

Most serious charge	Total*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
Percent of convictions	100%	11%	45%	14%	30%
Murder and manslaughter	100	4	5	6	85
Rape	100	15	29	12	44
Robbery	100	6	27	17	50
Aggravated assault	100	13	38	19	30
Burglary	100	8	39	16	37
Larceny	100	15	46	15	23
Stolen property	100	5	54	15	26
Fraud	100	14	71	7	8
Drug trafficking	100	10	52	16	23
Drug possession	100	8	54	13	24
Weapons	100	12	47	13	28
Other	100	15	46	13	26
Number of convictions	7,370	780	3,344	1,066	2,180
Murder and manslaughter	78	3	4	5	66
Rape	232	35	67	28	102
Robbery	614	37	166	106	305
Aggravated assault	395	50	151	76	118
Burglary	1,800	137	704	285	674
Larceny	700	106	325	106	163
Stolen property	364	20	195	55	94
Fraud	686	99	485	45	57
Drug trafficking	1,330	134	687	207	302
Drug possession	237	20	129	31	57
Weapons	115	14	54	15	32
Other	819	125	377	107	210

*Includes only cases with known sentencing data.

Table 8. Case-processing time for cases filed

a. Los Angeles, California
b. Manhattan, New York
c. New Orleans, Louisiana
d. Portland, Oregon
e. Rhode Island
f. St. Louis, Missouri
g. San Diego, California
h. Washington, D.C.

a. Los Angeles, California 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	84 days	85 days	80 days	175 days
Murder and manslaughter	204	77	189	333
Rape	149	97	137	245
Robbery	71	19	77	131
Aggravated assault	92	49	97	185
Burglary	58	35	58	109
Larceny	79	78	76	204
Stolen property	77	68	76	163
Fraud	89	122	83	193
Drug trafficking	76	84	71	137
Drug possession	166	263	102	151
Weapons	82	67	81	177
Other	69	23	95	242
Mean time from arrest to disposition	169 days	220 days	142 days	250 days
Murder and manslaughter	317	186	292	482
Rape	212	178	196	314
Robbery	120	96	119	196
Aggravated assault	166	158	160	229
Burglary	108	141	99	157
Larceny	153	298	149	278
Stolen property	156	189	136	255
Fraud	224	439	175	351
Drug trafficking	149	226	126	197
Drug possession	239	311	178	202
Weapons	148	162	137	270
Other	142	107	155	319
Number of cases filed	50,472	13,975	3,3811	2,686
Murder and manslaughter	1,241	208	751	282
Rape	958	172	631	155
Robbery	4,873	1,184	3,293	396
Aggravated assault	2,221	637	1,371	213
Burglary	6,492	1,081	5,124	287
Larceny	4,000	800	3,062	138
Stolen property	994	267	680	47
Fraud	963	161	774	28
Drug trafficking	12,614	2,477	9,533	604
Drug possession	10,511	4,752	5,470	289
Weapons	717	153	532	32
Other	4,888	2,083	2,590	215

*Includes only cases for which time data were available.

Note: A substantial number of felony arrests filed as misdemeanors in Los Angeles are handled by municipal prosecutors and thus are not included in the Los Angeles district attorney's case-tracking system.

Table 8. Continued
Case-processing time for cases filed

b. Manhattan, New York 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	77 days	106 days	43 days	209 days
Murder and manslaughter	260	123	243	311
Rape	94	87	143	197
Robbery	94	94	76	209
Aggravated assault	94	106	52	224
Burglary	56	117	28	180
Larceny	50	130	23	168
Stolen property	35	168	5	186
Fraud	43	158	7	336
Drug trafficking	71	96	56	232
Drug possession	75	366	2	0
Weapons	112	119	100	216
Other	57	137	23	202
Mean time from arrest to disposition	141 days	190 days	103 days	252 days
Murder and manslaughter	358	353	356	365
Rape	156	153	155	199
Robbery	144	151	124	238
Aggravated assault	149	170	110	270
Burglary	126	219	83	223
Larceny	130	253	81	198
Stolen property	132	266	70	208
Fraud	124	243	69	336
Drug trafficking	138	179	115	281
Drug possession	193	395	53	0
Weapons	201	228	170	322
Other	119	215	76	224
Number of cases filed	35,513	13,311	21,078	1,124
Murder and manslaughter	286	73	130	83
Rape	437	309	107	21
Robbery	6,508	3,076	3,038	394
Aggravated assault	4,779	2,727	1,916	136
Burglary	2,512	722	1,725	65
Larceny	6,732	1,834	4,758	140
Stolen property	1,069	330	728	11
Fraud	501	157	343	1
Drug trafficking	9,193	2,933	6,109	151
Drug possession	93	38	55	0
Weapons	1,133	485	604	44
Other	2,270	627	1,565	78

*Includes only cases for which time data were available.

c. New Orleans, Louisiana 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	104 days	150 days	90 days	173 days
Murder and manslaughter	208	176	180	244
Rape	172	250	158	167
Robbery	124	165	98	177
Aggravated assault	123	187	110	144
Burglary	86	194	81	159
Larceny	98	170	85	142
Stolen property	91	104	84	139
Fraud	86	84	85	464
Drug trafficking	120	209	97	168
Drug possession	104	133	100	177
Weapons	112	129	96	176
Other	97	186	75	271
Mean time from arrest to disposition	174 days	257 days	150 days	231 days
Murder and manslaughter	273	255	241	302
Rape	219	263	207	210
Robbery	211	399	166	242
Aggravated assault	161	197	148	174
Burglary	158	216	146	219
Larceny	161	473	127	180
Stolen property	148	136	147	171
Fraud	154	149	146	415
Drug trafficking	186	289	163	215
Drug possession	166	181	161	202
Weapons	173	254	154	186
Other	182	272	142	314
Number of cases filed	3,957	434	2,910	613
Murder and manslaughter	68	7	27	34
Rape	87	16	35	36
Robbery	324	37	208	79
Aggravated assault	176	18	107	51
Burglary	525	23	439	63
Larceny	522	44	425	53
Stolen property	249	15	212	22
Fraud	190	77	108	5
Drug trafficking	379	34	256	89
Drug possession	600	65	488	47
Weapons	132	14	83	35
Other	705	84	522	99

Note: In New Orleans cases filed and cases indicted are the same.

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

d. Portland, Oregon 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	74 days	48 days	74 days	107 days
Murder and manslaughter	130	11	137	147
Rape	84	58	86	125
Robbery	63	10	59	95
Aggravated assault	54	10	61	154
Burglary	68	50	65	91
Larceny	92	104	81	132
Stolen property	0	0	0	0
Fraud	86	84	82	120
Drug trafficking	89	65	86	98
Drug possession	83	49	81	109
Weapons	67	11	66	96
Other	70	41	73	109
Mean time from arrest to disposition	118 days	111 days	118 days	140 days
Murder and manslaughter	146	43	156	152
Rape	173	116	197	203
Robbery	104	123	93	108
Aggravated assault	88	51	100	166
Burglary	96	96	94	101
Larceny	151	188	136	170
Stolen property	0	0	0	0
Fraud	137	178	123	192
Drug trafficking	114	124	111	111
Drug possession	116	115	110	143
Weapons	72	40	77	112
Other	119	102	126	158
Number of cases filed	5,547	1,617	3,295	635
Murder and manslaughter	48	3	18	27
Rape	154	48	81	25
Robbery	464	117	259	88
Aggravated assault	250	108	109	33
Burglary	807	163	531	113
Larceny	636	135	423	78
Stolen property	0	0	0	0
Fraud	365	62	278	25
Drug trafficking	336	81	206	49
Drug possession	437	113	269	55
Weapons	76	24	38	14
Other	1,974	763	1,083	128

*Includes only cases for which time data were available.

Note: Stolen property offenses are classified as misdemeanors in Oregon.

e. Rhode Island 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	146 days	74 days	164 days	404 days
Murder and manslaughter	417	409	405	580
Rape	323	289	302	422
Robbery	368	395	328	513
Aggravated assault	118	60	144	469
Burglary	127	80	137	545
Larceny	141	114	141	439
Stolen property	159	165	154	0
Fraud	201	153	212	406
Drug trafficking	121	61	158	286
Drug possession	126	68	135	168
Weapons	92	42	111	443
Other	155	69	188	320
Mean time from arrest to disposition	321 days	263 days	347 days	490 days
Murder and manslaughter	587	475	536	705
Rape	381	290	384	439
Robbery	543	636	519	547
Aggravated assault	276	223	306	552
Burglary	284	244	291	671
Larceny	309	414	257	510
Stolen property	372	341	389	0
Fraud	363	300	394	336
Drug trafficking	295	191	364	404
Drug possession	238	252	230	159
Weapons	233	80	305	443
Other	337	262	375	453
Number of cases filed	6,822	2,405	4,218	199
Murder and manslaughter	27	8	8	11
Rape	29	5	17	7
Robbery	157	28	112	17
Aggravated assault	618	282	317	19
Burglary	781	217	551	13
Larceny	277	82	189	6
Stolen property	125	44	81	0
Fraud	636	201	426	9
Drug trafficking	417	168	246	3
Drug possession	524	194	327	3
Weapons	107	35	71	1
Other	3,124	1,141	1,873	110

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

f. St. Louis, Missouri 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	125 days	51 days	144 days	251 days
Murder and manslaughter	175	44	243	353
Rape	172	42	206	249
Robbery	185	61	190	262
Aggravated assault	145	54	184	254
Burglary	119	45	138	210
Larceny	113	41	136	234
Stolen property	130	53	132	205
Fraud	111	49	119	200
Drug trafficking	120	97	132	308
Drug possession	133	67	146	225
Weapons	118	55	132	271
Other	116	40	139	263
Mean time from arrest to disposition	158 days	120 days	170 days	291 days
Murder and manslaughter	183	99	250	351
Rape	225	159	282	298
Robbery	204	159	217	273
Aggravated assault	191	122	223	340
Burglary	149	112	161	273
Larceny	140	111	153	246
Stolen property	195	211	188	212
Fraud	155	134	163	249
Drug trafficking	155	141	169	308
Drug possession	156	134	163	240
Weapons	138	97	154	333
Other	144	97	166	271
Number of cases filed	4,050	1,517	2,321	212
Murder and manslaughter	136	78	31	27
Rape	122	59	49	14
Robbery	267	100	125	42
Aggravated assault	251	115	106	30
Burglary	642	207	413	22
Larceny	609	230	361	18
Stolen property	73	29	41	3
Fraud	210	73	133	4
Drug trafficking	149	86	61	2
Drug possession	557	160	383	14
Weapons	487	165	313	9
Other	547	215	305	27

*Includes only cases for which time data were available.

8. San Diego, California 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	70 days	90 days	65 days	148 days
Murder and manslaughter	135	128	110	249
Rape	76	74	67	188
Robbery	68	40	67	139
Aggravated assault	73	70	71	148
Burglary	50	75	44	127
Larceny	66	96	60	141
Stolen property	56	68	49	145
Fraud	78	179	66	116
Drug trafficking	91	151	80	175
Drug possession	111	227	83	148
Weapons	75	123	69	120
Other	62	29	70	164
Mean time from arrest to disposition	185 days	331 days	137 days	230 days
Murder and manslaughter	238	191	206	340
Rape	149	327	111	286
Robbery	143	166	120	333
Aggravated assault	164	272	131	161
Burglary	141	283	116	190
Larceny	190	375	141	283
Stolen property	142	214	115	176
Fraud	281	686	174	146
Drug trafficking	184	307	147	194
Drug possession	258	387	167	189
Weapons	151	299	123	190
Other	190	272	143	213
Number of cases filed	17,744	4,185	13,114	445
Murder and manslaughter	95	10	61	24
Rape	291	28	235	28
Robbery	896	190	650	56
Aggravated assault	1,083	246	789	48
Burglary	3,392	478	2,846	68
Larceny	1,715	332	1,341	42
Stolen property	1,045	276	757	12
Fraud	1,530	320	1,202	8
Drug trafficking	2,180	488	1,635	57
Drug possession	1,850	768	1,064	18
Weapons	1,190	181	988	21
Other	2,477	868	1,546	63

*Includes only cases for which time data were available.

Table 8. Continued
Case-processing time for cases filed

b. Washington, D.C. 1986

Most serious charge	All cases filed*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	88 days	92 days	75 days	228 days
Murder and manslaughter	287	276	261	438
Rape	167	158	118	267
Robbery	127	73	146	294
Aggravated assault	109	85	112	217
Burglary	91	83	86	251
Larceny	83	106	66	167
Stolen property	110	123	102	189
Fraud	66	117	58	123
Drug trafficking	78	92	71	203
Drug possession	0	0	0	0
Weapons	155	175	141	297
Other	63	76	51	231
Mean time from arrest to disposition	149 days	152 days	132 days	277 days
Murder and manslaughter	362	362	283	479
Rape	204	195	188	297
Robbery	197	148	215	324
Aggravated assault	165	143	170	255
Burglary	165	166	148	284
Larceny	141	173	111	250
Stolen property	151	158	145	197
Fraud	159	166	156	160
Drug trafficking	129	141	117	246
Drug possession	0	0	0	0
Weapons	238	231	233	326
Other	121	135	95	257
Number of cases filed	12,372	4,275	7,220	877
Murder and manslaughter	169	51	70	48
Rape	259	140	89	30
Robbery	1,204	562	500	142
Aggravated assault	1,393	750	493	150
Burglary	791	324	412	55
Larceny	840	335	471	34
Stolen property	326	95	215	16
Fraud	280	76	195	9
Drug trafficking	5,367	1,202	3,866	299
Drug possession	0	0	0	0
Weapons	145	50	87	8
Other	1,598	690	822	86

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

*Includes only cases for which time data were available.

Table 9. Case-processing time for cases indicted

a. Indianapolis, Indiana
b. Los Angeles, California
c. Manhattan, New York
d. New Orleans, Louisiana
e. Portland, Oregon
f. Rhode Island
g. St. Louis, Missouri
h. San Diego, California
i. Washington, D.C.

a. Indianapolis, Indiana 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	156 days	188 days	146 days	196 days
Murder and manslaughter	216	100	235	305
Rape	194	276	193	168
Robbery	156	154	147	203
Aggravated assault	152	111	177	148
Burglary	128	126	125	179
Larceny	143	248	124	205
Stolen property	0	0	0	0
Fraud	151	581	148	115
Drug trafficking	250	409	238	220
Drug possession	213	273	187	220
Weapons	161	171	123	204
Other	161	172	156	176
Mean time from arrest to disposition	285 days	514 days	228 days	268 days
Murder and manslaughter	292	190	246	516
Rape	320	1,126	230	234
Robbery	261	374	235	222
Aggravated assault	255	354	245	190
Burglary	239	456	195	264
Larceny	294	584	216	305
Stolen property	0	0	0	0
Fraud	369	1,204	231	163
Drug trafficking	401	919	314	301
Drug possession	451	739	356	481
Weapons	203	182	202	224
Other	254	387	220	221
Number of cases indicted	3,538	651	2,540	347
Murder and manslaughter	52	15	25	12
Rape	111	11	77	23
Robbery	274	55	177	42
Aggravated assault	106	22	60	24
Burglary	537	76	407	54
Larceny	1,088	212	800	76
Stolen property	0	0	0	0
Fraud	55	8	44	3
Drug trafficking	186	27	145	14
Drug possession	170	38	119	13
Weapons	98	11	71	16
Other	861	176	615	70

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

b. Los Angeles, California 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	108 days	158 days	99 days	170 days
Murder and manslaughter	253	259	218	328
Rape	209	225	196	240
Robbery	96	117	90	129
Aggravated assault	130	150	115	185
Burglary	80	90	77	109
Larceny	104	134	97	204
Stolen property	113	149	105	172
Fraud	126	202	114	199
Drug trafficking	105	153	99	135
Drug possession	127	253	115	149
Weapons	118	101	115	177
Other	149	194	129	237
Mean time from arrest to disposition	182 days	270 days	165 days	241 days
Murder and manslaughter	352	352	306	454
Rape	270	327	253	294
Robbery	149	201	138	194
Aggravated assault	194	268	178	230
Burglary	124	169	119	153
Larceny	189	305	172	259
Stolen property	190	278	169	264
Fraud	228	433	201	372
Drug trafficking	169	247	159	197
Drug possession	207	313	187	200
Weapons	180	206	168	270
Other	225	329	197	317
Number of cases indicted	24,754	2,157	20,079	2,518
Murder and manslaughter	822	47	535	240
Rape	525	48	347	130
Robbery	3,013	201	2,432	380
Aggravated assault	1,341	121	1,015	205
Burglary	3,740	191	3,273	276
Larceny	1,861	147	1,581	133
Stolen property	473	50	379	44
Fraud	367	25	317	25
Drug trafficking	6,989	596	5,817	576
Drug possession	3,747	552	2,919	276
Weapons	370	34	304	32
Other	1,506	145	1,160	201

*Includes only cases for which time data were available.

c. Manhattan, New York 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	118 days	174 days	99 days	214 days
Murder and manslaughter	273	270	244	311
Rape	162	209	129	198
Robbery	118	192	95	209
Aggravated assault	169	183	147	229
Burglary	75	128	61	180
Larceny	81	161	69	178
Stolen property	122	249	92	161
Fraud	160	234	152	336
Drug trafficking	116	148	108	229
Drug possession	79	0	79	0
Weapons	136	196	114	222
Other	169	200	139	217
Mean time from arrest to disposition	186 days	311 days	160 days	262 days
Murder and manslaughter	371	416	358	365
Rape	200	325	162	213
Robbery	173	305	141	238
Aggravated assault	218	268	191	281
Burglary	147	280	131	231
Larceny	139	248	122	217
Stolen property	186	373	132	197
Fraud	253	435	209	336
Drug trafficking	190	303	172	284
Drug possession	79	0	79	0
Weapons	233	346	189	346
Other	257	405	214	278
Number of cases indicted	10,151	1,160	8,055	936
Murder and manslaughter	258	46	129	83
Rape	116	21	76	19
Robbery	2,859	325	2,150	384
Aggravated assault	567	98	381	88
Burglary	846	53	734	59
Larceny	1,098	72	927	99
Stolen property	80	16	57	7
Fraud	49	9	39	1
Drug trafficking	3,448	341	2,968	139
Drug possession	1	0	1	0
Weapons	650	146	469	35
Other	179	33	124	22

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

d. New Orleans, Louisiana 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	104 days	150 days	90 days	173 days
Murder and manslaughter	208	176	180	244
Rape	172	250	158	167
Robbery	124	165	98	177
Aggravated assault	123	187	110	144
Burglary	86	194	81	159
Larceny	98	170	85	142
Stolen property	91	104	84	139
Fraud	86	84	85	464
Drug trafficking	120	209	97	168
Drug possession	104	133	100	177
Weapons	112	129	96	176
Other	97	186	75	271
Mean time from arrest to disposition	174 days	257 days	150 days	231 days
Murder and manslaughter	273	255	241	302
Rape	219	263	207	210
Robbery	211	399	166	242
Aggravated assault	161	197	148	174
Burglary	158	216	146	219
Larceny	161	473	127	180
Stolen property	148	136	147	171
Fraud	154	149	146	415
Drug trafficking	186	289	163	215
Drug possession	166	181	161	203
Weapons	173	254	154	186
Other	182	272	142	314
Number of cases indicted	3,957	434	2,910	613
Murder and manslaughter	68	7	27	34
Rape	87	16	35	36
Robbery	324	37	208	79
Aggravated assault	176	18	107	51
Burglary	525	23	439	63
Larceny	522	44	425	53
Stolen property	249	15	212	22
Fraud	190	77	108	5
Drug trafficking	379	34	256	89
Drug possession	600	65	488	47
Weapons	132	14	83	35
Other	705	84	522	99

*Includes only cases for which time data were available.

Note: In New Orleans cases filed and cases indicted are the same.

e. Portland, Oregon 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	84 days	116 days	74 days	108 days
Murder and manslaughter	140	109	137	147
Rape	96	140	86	125
Robbery	74	156	60	95
Aggravated assault	78	86	64	151
Burglary	75	109	65	91
Larceny	94	119	80	134
Stolen property	0	0	0	0
Fraud	91	120	83	120
Drug trafficking	91	96	87	98
Drug possession	92	122	82	110
Weapons	77	85	66	94
Other	83	116	74	108
Mean time from arrest to disposition	132 days	196 days	118 days	141 days
Murder and manslaughter	152	109	156	152
Rape	197	192	197	203
Robbery	118	344	89	109
Aggravated assault	121	148	102	163
Burglary	103	158	95	102
Larceny	155	224	134	173
Stolen property	0	0	0	0
Fraud	142	245	124	192
Drug trafficking	115	132	111	111
Drug possession	127	184	112	144
Weapons	85	84	77	111
Other	139	194	126	159
Number of cases indicted	4,397	603	3,176	618
Murder and manslaughter	46	1	18	27
Rape	129	23	81	25
Robbery	351	33	232	86
Aggravated assault	155	24	100	31
Burglary	668	66	494	108
Larceny	589	102	412	75
Stolen property	0	0	0	0
Fraud	337	37	275	25
Drug trafficking	305	54	202	49
Drug possession	372	54	264	54
Weapons	58	9	36	13
Other	1,387	200	1,062	125

*Includes only cases for which time data were available.

Note: Stolen property offenses are classified as misdemeanors in Oregon.

Table 9. Continued
Case-processing time for cases indicted

f. Rhode Island 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	188 days	286 days	164 days	404 days
Murder and manslaughter	417	409	405	580
Rape	323	289	302	422
Robbery	368	395	328	513
Aggravated assault	154	223	144	469
Burglary	140	161	137	545
Larceny	160	355	141	439
Stolen property	191	326	154	0
Fraud	234	383	212	406
Drug trafficking	162	303	158	286
Drug possession	140	328	135	168
Weapons	116	218	111	443
Other	212	279	188	320
Mean time from arrest to disposition	380 days	495 days	347 days	490 days
Murder and manslaughter	587	475	536	705
Rape	381	290	384	439
Robbery	543	636	519	547
Aggravated assault	356	451	306	552
Burglary	319	414	291	671
Larceny	349	740	257	510
Stolen property	424	539	389	0
Fraud	411	506	394	336
Drug trafficking	394	566	364	404
Drug possession	240	347	230	159
Weapons	300	224	305	443
Other	405	501	375	453
Number of cases indicted	5,445	1,028	4,218	199
Murder and manslaughter	27	8	8	11
Rape	29	5	17	7
Robbery	157	28	112	17
Aggravated assault	462	126	317	19
Burglary	675	111	551	13
Larceny	237	42	189	6
Stolen property	105	24	81	0
Fraud	520	85	426	9
Drug trafficking	292	43	246	3
Drug possession	361	31	327	3
Weapons	79	7	71	1
Other	2,501	518	1,873	110

*Includes only cases for which time data were available.

g. St. Louis, Missouri 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	154 days	170 days	145 days	251 days
Murder and manslaughter	258	238	243	353
Rape	212	204	206	249
Robbery	206	193	191	262
Aggravated assault	192	165	184	254
Burglary	141	133	139	210
Larceny	142	168	136	234
Stolen property	167	252	134	205
Fraud	134	217	119	200
Drug trafficking	138	158	132	308
Drug possession	154	178	146	225
Weapons	135	146	133	271
Other	144	140	139	263
Mean time from arrest to disposition	185 days	223 days	170 days	291 days
Murder and manslaughter	285	244	250	351
Rape	276	199	282	298
Robbery	235	252	218	273
Aggravated assault	251	261	223	340
Burglary	166	164	160	273
Larceny	176	360	154	246
Stolen property	198	225	192	212
Fraud	174	263	163	249
Drug trafficking	177	197	172	308
Drug possession	171	214	163	240
Weapons	165	185	156	333
Other	167	168	157	271
Number of cases indicted	2,829	327	2,290	212
Murder and manslaughter	74	16	31	27
Rape	71	8	49	14
Robbery	196	30	124	42
Aggravated assault	161	25	106	30
Burglary	468	41	405	22
Larceny	406	35	353	18
Stolen property	50	7	40	3
Fraud	148	13	131	4
Drug trafficking	65	4	59	2
Drug possession	447	51	382	14
Weapons	369	52	308	9
Other	374	45	302	27

*Includes only cases for which time data were available.

Table 9. Continued
Case-processing time for cases indicted

h. San Diego, California 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	75 days	129 days	69 days	170 days
Murder and manslaughter	140	114	110	249
Rape	81	116	70	188
Robbery	76	136	69	139
Aggravated assault	90	159	81	187
Burglary	61	105	53	133
Larceny	67	99	64	168
Stolen property	57	106	47	145
Fraud	62	100	60	186
Drug trafficking	90	202	82	176
Drug possession	78	124	67	268
Weapons	82	124	74	112
Other	89	134	83	200
Mean time from arrest to disposition	152 days	265 days	139 days	260 days
Murder and manslaughter	242	137	208	340
Rape	136	164	116	286
Robbery	151	306	122	341
Aggravated assault	187	402	170	184
Burglary	127	181	122	205
Larceny	166	218	153	404
Stolen property	121	243	109	166
Fraud	164	353	151	168
Drug trafficking	152	304	141	196
Drug possession	176	217	169	263
Weapons	118	186	111	109
Other	172	278	161	254
Number of cases indicted	8,088	468	7,281	339
Murder and manslaughter	86	3	59	24
Rape	248	5	215	28
Robbery	678	43	581	54
Aggravated assault	453	31	396	26
Burglary	1,937	88	1,791	58
Larceny	779	58	695	26
Stolen property	404	33	365	6
Fraud	748	46	697	5
Drug trafficking	1,467	82	1,329	56
Drug possession	267	24	237	6
Weapons	130	13	113	4
Other	891	42	803	46

*Includes only cases for which time data were available.

i. Washington, D.C. 1986

Most serious charge	All cases indicted*	Processing time for cases disposed of by: Dismissal	Guilty plea	Trial
Median time from arrest to disposition	113 days	167 days	92 days	274 days
Murder and manslaughter	349	520	282	438
Rape	265	259	249	278
Robbery	236	300	193	314
Aggravated assault	254	285	230	303
Burglary	182	350	153	327
Larceny	123	219	105	222
Stolen property	127	156	110	222
Fraud	230	293	218	216
Drug trafficking	83	110	75	204
Drug possession	0	0	0	0
Weapons	207	241	178	297
Other	75	133	60	308
Mean time from arrest to disposition	187 days	263 days	155 days	312 days
Murder and manslaughter	426	657	318	479
Rape	327	365	315	315
Robbery	307	384	267	343
Aggravated assault	300	361	273	322
Burglary	293	532	230	372
Larceny	209	363	158	336
Stolen property	166	198	153	218
Fraud	351	332	361	228
Drug trafficking	136	167	123	253
Drug possession	0	0	0	0
Weapons	306	334	292	326
Other	161	259	121	304
Number of cases indicted	6,781	1,020	5,114	647
Murder and manslaughter	124	17	59	48
Rape	91	21	44	26
Robbery	638	135	373	130
Aggravated assault	335	57	199	79
Burglary	292	45	213	34
Larceny	321	63	238	20
Stolen property	260	54	192	14
Fraud	74	7	63	4
Drug trafficking	3,944	489	3,222	233
Drug possession	0	0	0	0
Weapons	96	25	63	8
Other	606	107	448	51

*Includes only cases for which time data were available.

Note: Drug possession offenses are classified as misdemeanors in Washington, D.C.

Table 10. Disposition of felony arrests presented for prosecution, by defendant characteristics and crime type

a. Manhattan, New York
b. Portland, Oregon
c. San Diego, California
d. Washington, D.C.

a. Manhattan, New York 1986

	Number of arrests*	Percentage of arrests resulting in:				
		Declination**	Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	36,321	2%	37%	58%	2%	1%
Male	29,095	2	37	58	2	1
Female	4,088	3	36	59	1	0
White	12,711	2	34	61	2	1
Black	19,895	2	38	56	2	1
Other	402	1	46	49	2	1
Less than 18 yrs.	2,516	3	38	57	1	1
18-24	11,329	2	37	57	2	1
25-29	7,619	2	36	58	2	1
30-34	5,254	2	33	61	3	1
35-39	3,050	2	37	57	3	1
40-49	2,426	2	36	58	3	1
Over 50	1,202	1	39	56	3	1
Violent crimes	12,223	2	51	42	4	2
Male	10,145	2	50	43	4	2
Female	1,135	3	58	36	2	1
White	3,525	2	49	44	3	1
Black	7,498	2	51	42	4	2
Other	192	2	56	37	3	2
Less than 18 yrs.	1,124	2	45	50	2	1
18-24	4,052	2	48	46	3	1
25-29	2,504	2	50	44	4	1
30-34	1,567	2	53	39	4	2
35-39	925	2	58	33	5	1
40-49	764	2	58	35	4	2
Over 50	410	1	65	29	3	2
Property crimes	9,538	3	27	68	2	0
Male	7,537	3	27	68	2	0
Female	1,289	4	24	71	1	0
White	3,405	3	27	67	2	0
Black	5,295	3	26	69	2	0
Other	74	1	38	59	1	0
Less than 18 yrs.	749	4	31	65	0	0
18-24	3,153	4	29	65	2	0
25-29	2,051	3	26	69	2	1
30-34	1,407	3	22	73	2	0
35-39	801	2	24	72	2	0
40-49	530	3	25	68	3	0
Over 50	172	3	26	67	2	1
Other crimes	14,560	2	31	65	1	1
Male	11,413	2	31	65	1	1
Female	1,664	2	31	66	1	0
White	5,781	2	29	67	1	0
Black	7,102	2	33	63	1	1
Other	136	1	36	61	2	0
Less than 18 yrs.	643	3	35	61	0	0
18-24	4,124	2	34	63	1	1
25-29	3,064	2	33	63	1	0
30-34	2,280	2	28	69	1	1
35-39	1,324	2	30	65	2	1
40-49	1,132	1	27	69	2	1
Over 50	620	1	26	70	3	0

*Includes only cases for which demographic data were available.
**Declinations and dismissals include diversions and referrals for other prosecution.

b. Portland, Oregon 1986

	Number of arrests*	Percentage of arrests resulting in: Decli-nation**	Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	6,583	16%	25%	50%	8%	1%
Male	5,295	15	24	50	9	2
Female	942	17	22	56	5	1
White	4,290	16	23	52	8	1
Black	1,672	15	25	48	10	2
Other	164	12	30	51	6	2
Less than 18 yrs.	34	29	18	41	12	0
18-24	2,277	17	23	51	8	1
25-29	1,479	14	26	51	8	1
30-34	1,213	14	25	51	8	2
35-39	709	12	25	52	9	2
40-49	489	14	27	48	7	3
Over 50	271	22	20	44	12	1
Violent crimes	1,112	18	25	42	13	3
Male	959	17	25	42	14	3
Female	116	22	24	47	6	2
White	609	17	21	46	13	3
Black	426	19	29	38	13	2
Other	33	3	42	42	6	6
Less than 18 yrs.	11	18	18	36	27	0
18-24	395	21	23	40	14	2
25-29	231	15	24	46	13	2
30-34	235	16	27	43	11	3
35-39	99	12	24	43	15	5
40-49	77	13	26	47	10	4
Over 50	48	23	27	33	15	2
Property crimes	1,664	13	18	57	10	2
Male	1,355	13	18	57	11	2
Female	255	13	17	63	6	1
White	1,102	13	17	59	10	1
Black	448	13	19	54	12	2
Other	38	11	24	61	3	3
Less than 18 yrs.	8	38	25	38	0	0
18-24	670	13	17	60	9	0
25-29	333	12	21	55	11	1
30-34	288	12	16	61	9	2
35-39	166	8	16	61	11	3
40-49	110	13	23	51	8	5
Over 50	53	23	13	40	23	2
Other crimes	3,807	16	27	49	6	1
Male	2,981	16	26	50	7	1
Female	571	18	23	54	5	1
White	2,579	17	25	51	6	1
Black	798	15	25	50	8	2
Other	93	15	28	49	8	0
Less than 18 yrs.	15	33	13	47	7	0
18-24	1,212	18	27	49	6	0
25-29	915	15	28	50	5	1
30-34	690	14	27	50	7	1
35-39	444	13	29	50	7	1
40-49	302	15	29	48	6	3
Over 50	170	22	21	48	8	1

Note: Declinations are undercounted. See table 1b.

*Includes only cases for which demographic data were available.
**Declinations and dismissals include diversions and referrals for other prosecution.

Table 10. Continued
Disposition of felony arrests presented for prosecution, by defendant characteristics and crime type

c. San Diego, California 1986

	Number of arrests*	Percentage of arrests resulting in:				
		Declination**	Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	22,585	21%	19%	58%	2%	0%
Male	18,724	22	18	58	2	0
Female	3,828	21	20	58	1	0
White	16,668	21	19	58	1	0
Black	4,274	20	17	60	3	1
Other	529	23	14	62	0	0
Less than 18 yrs.	75	9	37	52	1	0
18-24	9,171	21	18	59	1	0
25-29	5,593	22	19	58	2	0
30-34	3,690	21	19	58	2	0
35-39	2,061	21	19	58	2	0
40-49	1,332	21	19	58	3	0
Over 50	555	26	16	54	3	1
Violent crimes	3,172	25	15	55	4	1
Male	2,915	24	15	55	4	1
Female	254	38	13	47	2	0
White	2,074	25	15	56	4	1
Black	864	25	16	53	5	1
Other	96	30	16	54	0	0
Less than 18 yrs.	20	10	35	50	5	0
18-24	1,208	25	15	56	3	1
25-29	809	26	15	53	5	1
30-34	519	23	14	56	5	1
35-39	291	28	15	54	2	1
40-49	207	23	15	56	5	1
Over 50	97	32	10	52	6	0
Property crimes	5,855	13	14	72	2	0
Male	4,801	12	14	71	2	0
Female	1,047	14	13	72	1	0
White	4,333	12	14	73	1	0
Black	1,128	11	15	71	2	0
Other	139	19	9	72	1	0
Less than 18 yrs.	26	12	31	58	0	0
18-24	2,630	12	13	73	1	0
25-29	1,359	12	14	72	2	0
30-34	926	13	15	70	2	0
35-39	484	13	14	70	3	0
40-49	265	14	13	70	2	0
Over 50	139	19	9	67	4	1
Other crimes	13,558	24	21	53	1	0
Male	11,008	25	21	53	1	0
Female	2527	22	24	53	1	0
White	10,261	24	22	53	1	0
Black	2,282	23	18	56	2	0
Other	294	23	17	60	0	0
Less than 18 yrs.	29	7	45	48	0	0
18-24	5,333	25	21	53	1	0
25-29	3,425	25	21	53	1	0
30-34	2,245	23	22	53	1	0
35-39	1,286	22	22	54	1	0
40-49	860	22	21	54	2	0
Over 50	319	28	21	49	1	1

*Includes only cases for which demographic data were available.
**Declinations and dismissals include diversions and referrals for other prosecution.

d. Washington, D.C. 1986

	Number of arrests*	Percentage of arrests resulting in: Declination**	Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	14,694	16%	29%	49%	4%	2%
Male	12,777	15	29	50	4	2
Female	1,917	21	29	46	2	2
White	833	22	38	36	3	2
Black	13,603	15	29	50	4	2
Other	24	25	33	33	8	0
Less than 18 yrs.	77	0	31	61	6	1
18-24	6,083	17	27	50	4	2
25-29	3,374	15	30	49	5	2
30-34	2,372	14	31	50	4	2
35-39	1,326	16	30	50	3	2
40-49	892	13	31	47	6	3
Over 50	452	17	35	41	4	2
Violent crimes	3,824	21	39	30	6	4
Male	3,321	19	39	31	6	4
Female	503	31	38	23	4	3
White	282	30	40	26	4	1
Black	3,427	20	39	30	6	4
Other	16	25	38	25	13	0
Less than 18 yrs.	56	0	32	57	9	2
18-24	1,429	21	40	30	6	3
25-29	917	19	39	31	7	4
30-34	580	20	43	27	7	3
35-39	364	24	36	33	3	3
40-49	276	20	39	28	7	7
Over 50	176	27	33	30	7	3
Property crimes	1,839	11	36	48	3	1
Male	1,599	10	36	49	3	1
Female	240	15	37	42	4	3
White	185	11	44	41	2	3
Black	1,634	11	35	49	4	1
Other	2	0	0	100	0	0
Less than 18 yrs.	6	0	17	83	0	0
18-24	705	11	33	51	4	1
25-29	471	11	39	45	4	1
30-34	337	9	37	51	2	1
35-39	152	16	33	47	3	2
40-49	109	9	36	46	7	2
Over 50	43	16	47	28	0	9
Other crimes	9,031	14	23	57	3	1
Male	7,857	14	23	58	4	1
Female	1,174	18	23	57	1	1
White	366	21	34	42	2	1
Black	8,542	14	23	58	3	1
Other	6	33	33	33	0	0
Less than 18 yrs.	15	0	33	67	0	0
18-24	3,949	17	21	58	3	1
25-29	1,986	13	24	57	4	1
30-34	1,455	12	25	59	3	1
35-39	810	12	27	58	3	1
40-49	507	9	26	57	6	1
Over 50	233	10	34	52	3	1

*Includes only cases for which demographic data were available.
**Declinations and dismissals include diversions and referrals for other prosecution.

Table 11. Disposition of felony arrests filed in court as felonies or misdemeanors, by defendant characteristics and crime type

a. Los Angeles, California
b. Manhattan, New York
c. Portland, Oregon
d. St. Louis, Missouri
e. San Diego, California
f. Washington, D.C.

a. Los Angeles, California 1986

	Number of cases filed*	Percentage of cases filed resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	50,491	28%	67%	4%	1%
Male	44,976	27	67	5	1
Female	5,514	31	65	4	1
White	27,164	28	67	4	1
Black	21,734	27	67	5	1
Other	871	28	64	6	2
Less than 18 yrs.	461	30	64	6	1
18-24	20,989	26	69	4	1
25-29	12,341	29	67	4	1
30-34	7,325	28	66	5	1
35-39	4,206	30	63	6	1
40-49	3,160	29	65	5	1
Over 50	1,277	25	67	6	2
Violent crimes	9,295	24	65	9	2
Male	8,724	24	65	9	2
Female	571	25	67	7	2
White	4,471	19	70	8	2
Black	4,478	28	61	10	2
Other	202	21	61	12	5
Less than 18 yrs.	194	26	62	11	1
18-24	4,009	23	67	8	2
25-29	2,091	25	65	8	2
30-34	1,278	24	63	10	3
35-39	734	25	59	13	3
40-49	560	20	69	9	2
Over 50	263	21	63	13	4
Property crimes	10,494	18	78	3	1
Male	9,320	18	78	4	1
Female	1,173	17	80	3	1
White	6,316	16	80	3	1
Black	3,826	20	75	4	1
Other	228	20	74	6	0
Less than 18 yrs.	54	20	74	2	4
18-24	4,300	17	80	3	0
25-29	2,682	19	77	4	1
30-34	1,594	18	77	4	0
35-39	881	19	76	4	1
40-49	655	19	76	5	0
Over 50	194	21	72	5	2
Other crimes	30,702	32	64	3	1
Male	26,932	32	64	3	1
Female	3,770	36	60	4	1
White	16,377	35	62	3	1
Black	13,430	29	66	4	1
Other	441	35	61	3	0
Less than 18 yrs.	213	35	63	2	0
18-24	12,680	31	66	3	0
25-29	7,568	33	63	3	1
30-34	4,453	33	63	4	1
35-39	2,591	35	60	4	1
40-49	1,945	35	60	4	1
Over 50	820	27	67	5	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Note: Cases filed in Los Angeles exclude numerous felony arrests filed as misdemeanors.

b. Manhattan, New York 1986

	Number of cases filed*	Percentage of cases filed resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	35,566	37%	59%	2%	1%
Male	28,461	38	59	2	1
Female	3,969	37	61	1	0
White	12,405	35	62	2	1
Black	19,454	39	58	2	1
Other	396	46	50	3	1
Less than 18 yrs.	2,439	39	59	1	1
18-24	11,070	38	59	2	1
25-29	7,441	37	60	2	1
30-34	5,141	34	62	3	1
35-39	2,978	38	59	3	1
40-49	2,386	37	59	3	1
Over 50	1,188	40	56	3	1
Violent crimes	12,021	52	43	4	2
Male	9,976	51	44	4	2
Female	1,102	60	38	2	1
White	3,459	50	45	3	1
Black	7,366	52	42	4	2
Other	188	57	38	3	2
Less than 18 yrs.	1,096	46	51	2	1
18-24	3,986	49	46	3	2
25-29	2,465	50	44	4	1
30-34	1,539	54	40	5	2
35-39	902	59	34	5	1
40-49	750	59	35	4	2
Over 50	406	66	29	3	2
Property crimes	9,255	28	70	2	0
Male	7,307	28	70	2	0
Female	1,236	25	74	1	0
White	3,292	28	70	2	0
Black	5,126	27	71	2	0
Other	73	38	60	1	0
Less than 18 yrs.	718	32	67	0	0
18-24	3,040	30	68	2	0
25-29	1,988	27	71	2	1
30-34	1,369	22	75	3	0
35-39	783	24	73	2	1
40-49	515	26	70	3	0
Over 50	167	27	69	2	1
Other crimes	14,290	32	66	1	1
Male	11,178	32	66	1	1
Female	1,631	31	68	1	0
White	5,654	29	69	1	0
Black	6,962	34	64	1	1
Other	135	36	61	2	0
Less than 18 yrs.	625	36	63	0	0
18-24	4,044	34	64	1	1
25-29	2,988	34	65	1	0
30-34	2,233	28	70	1	1
35-39	1,293	31	67	2	1
40-49	1,121	27	70	2	1
Over 50	615	26	71	3	0

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 11. Continued
Disposition of felony arrests filed in court as felonies or misdemeanors, by defendant characteristics and crime type

c. Portland, Oregon 1986

	Number of cases filed*	Percentage of cases filed resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	5,547	29%	59%	10%	2%
Male	4,475	28	59	11	2
Female	782	26	67	6	1
White	3,617	27	62	9	2
Black	1,413	29	57	12	2
Other	145	34	57	7	2
Less than 18 yrs.	24	25	58	17	0
18-24	1,894	28	61	10	1
25-29	1,266	30	59	9	1
30-34	1,042	29	60	9	2
35-39	626	28	59	10	3
40-49	420	31	56	8	4
Over 50	211	26	56	16	2
Violent crimes	916	30	51	16	3
Male	799	30	50	17	3
Female	91	31	59	8	2
White	506	26	55	16	3
Black	347	35	46	16	3
Other	32	44	44	6	6
Less than 18 yrs.	9	22	44	33	0
18-24	311	30	51	18	2
25-29	197	28	54	15	3
30-34	198	32	51	13	4
35-39	87	28	49	17	6
40-49	67	30	54	12	4
Over 50	37	35	43	19	3
Property crimes	1,443	21	66	12	2
Male	1,180	21	65	12	2
Female	221	19	73	7	1
White	964	20	68	11	2
Black	391	22	62	14	2
Other	34	26	68	3	3
Less than 18 yrs.	5	40	60	0	0
18-24	586	20	69	11	1
25-29	292	24	63	12	1
30-34	254	18	69	11	2
35-39	152	17	67	13	3
40-49	96	26	58	9	6
Over 50	41	17	51	29	2
Other crimes	3,188	33	59	7	1
Male	2,496	31	60	8	1
Female	470	28	66	6	1
White	2,147	30	61	7	1
Black	675	30	59	9	2
Other	79	33	58	9	0
Less than 18 yrs.	10	20	70	10	0
18-24	997	33	60	7	1
25-29	777	33	59	6	1
30-34	590	32	59	8	2
35-39	387	33	58	8	2
40-49	257	34	56	7	3
Over 50	133	26	62	11	2

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

d. St. Louis, Missouri 1986

	Number of cases filed*	Percentage of cases filed resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	4,050	37%	57%	4%	2%
Male	3,625	37	57	4	2
Female	425	40	58	2	1
White	1,025	40	55	3	2
Black	3,020	36	58	4	1
Other	4	75	25	0	0
Less than 18 yrs.	265	32	64	2	2
18-24	1,602	34	61	3	1
25-29	920	39	55	5	1
30-34	570	40	55	3	2
35-39	302	42	52	5	2
40-49	257	41	52	6	2
Over 50	132	47	48	2	3
Violent crimes	776	45	40	10	5
Male	730	45	40	10	5
Female	46	43	41	11	4
White	192	44	43	6	7
Black	582	46	39	11	4
Other	1	0	100	0	0
Less than 18 yrs.	54	35	46	11	7
18-24	326	43	43	9	5
25-29	190	48	34	13	5
30-34	91	56	33	7	4
35-39	47	45	43	11	2
40-49	37	35	49	16	0
Over 50	31	48	39	3	10
Property crimes	1,253	35	62	2	1
Male	1,130	35	62	2	1
Female	121	36	64	0	0
White	386	36	60	3	1
Black	862	34	63	2	1
Other	3	100	0	0	0
Less than 18 yrs.	111	25	73	0	2
18-24	523	33	66	1	1
25-29	266	39	56	4	0
30-34	166	34	62	2	2
35-39	96	36	57	4	2
40-49	58	43	52	5	0
Over 50	30	63	37	0	0
Other crimes	2,023	36	61	2	1
Male	1,765	35	62	2	1
Female	258	41	57	1	1
White	447	43	55	2	1
Black	1,576	34	63	2	1
Other	0	0	0	0	0
Less than 18 yrs.	100	37	63	0	0
18-24	753	32	66	2	1
25-29	464	35	63	2	0
30-34	313	39	58	2	1
35-39	159	45	51	3	1
40-49	162	41	52	4	2
Over 50	71	39	56	3	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 11. Continued
Disposition of felony arrests filed in court as felonies or misdemeanors, by defendant characteristics and crime type

e. San Diego, California 1986

	Number of cases filed*	Percentage of cases filed resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	17,746	24%	74%	2%	0%
Male	14,679	23	74	2	0
Female	3,041	26	73	1	0
White	13,154	24	74	2	0
Black	3,407	21	75	3	1
Other	406	19	81	0	0
Less than 18 yrs.	68	41	57	1	0
18-24	7,217	23	75	2	0
25-29	4,369	24	74	2	1
30-34	2,933	25	73	2	1
35-39	1,634	24	73	2	0
40-49	1,058	24	73	3	1
Over 50	408	22	73	3	1
Violent crimes	2,365	20	73	5	1
Male	2,207	20	73	6	1
Female	157	20	76	3	1
White	1,558	20	74	5	1
Black	652	21	70	7	1
Other	67	22	78	0	0
Less than 18 yrs.	18	39	56	6	0
18-24	901	20	75	5	1
25-29	602	21	72	6	1
30-34	398	19	74	6	2
35-39	210	20	74	3	2
40-49	160	20	73	6	1
Over 50	66	15	76	9	0
Property crimes	5,107	16	82	2	0
Male	4,201	16	82	2	0
Female	902	15	83	2	0
White	3,808	15	83	2	0
Black	1,003	17	80	3	0
Other	113	11	88	1	0
Less than 18 yrs.	23	35	65	0	0
18-24	2,305	15	83	1	0
25-29	1,194	16	82	2	0
30-34	810	17	80	2	0
35-39	423	16	80	3	0
40-49	227	15	81	3	0
Over 50	112	12	83	4	1
Other crimes	10,274	28	70	1	0
Male	8,271	28	71	1	0
Female	1,982	31	68	1	0
White	7,788	29	69	1	0
Black	1,752	24	73	3	1
Other	226	22	77	0	0
Less than 18 yrs.	27	48	52	0	0
18-24	4,011	28	71	1	0
25-29	2,573	28	70	1	1
30-34	1,725	29	69	2	0
35-39	1,001	29	69	2	0
40-49	671	27	70	3	0
Over 50	238	30	68	1	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

f. Washington, D.C. 1986

	Number of cases filed*	Percentage of cases filed resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	12,391	35%	58%	5%	2%
Male	10,875	34	58	5	2
Female	1,516	37	58	3	2
White	652	49	46	3	2
Black	11,542	34	59	5	2
Other	18	44	44	11	0
Less than 18 yrs.	77	31	61	6	1
18-24	5,029	33	61	4	2
25-29	2,880	35	57	6	2
30-34	2,046	36	58	4	2
35-39	1,118	36	59	3	2
40-49	778	36	54	7	3
Over 50	374	42	50	5	3
Violent crimes	3,026	50	38	8	5
Male	2,680	49	39	8	5
Female	346	56	34	6	5
White	198	57	36	5	2
Black	2,742	49	38	8	5
Other	12	50	33	17	0
Less than 18 yrs.	56	32	57	9	2
18-24	1,128	51	38	7	4
25-29	739	48	39	8	5
30-34	464	54	33	9	4
35-39	276	48	43	4	4
40-49	220	49	35	8	8
Over 50	128	45	41	9	4
Property crimes	1,639	40	54	4	2
Male	1,434	40	55	4	1
Female	205	43	49	5	3
White	165	49	45	2	3
Black	1,455	39	55	4	2
Other	2	0	100	0	0
Less than 18 yrs.	6	17	83	0	0
18-24	628	38	57	4	1
25-29	421	44	51	4	1
30-34	306	41	56	3	1
35-39	128	39	55	3	2
40-49	99	39	51	8	2
Over 50	36	56	33	0	11
Other crimes	7,726	27	67	4	2
Male	6,761	27	67	4	2
Female	965	28	69	2	1
White	289	43	53	3	2
Black	7,345	27	68	4	2
Other	4	50	50	0	0
Less than 18 yrs.	15	33	67	0	0
18-24	3,273	26	69	3	2
25-29	1,720	28	66	5	1
30-34	1,276	28	67	3	2
35-39	714	30	65	3	1
40-49	459	29	63	7	2
Over 50	210	38	58	4	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 12. Disposition of felony arrests that result in felony indictment, by defendant characteristics and crime type

a. Indianapolis, Indiana
b. Los Angeles, California
c. Manhattan, New York
d. Portland, Oregon
e. St. Louis, Missouri
f. San Diego, California
g. Washington, D.C.

a. Indianapolis, Indiana 1986

	Number of cases indicted*	Percentage of cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	3,579	18%	72%	8%	2%
Male	3,146	19	71	8	2
Female	433	18	74	6	2
White	1,850	17	75	6	2
Black	1,696	19	69	10	2
Other	4	50	50	0	0
Less than 18 yrs.	69	10	83	6	1
18-24	1,455	16	75	7	2
25-29	727	16	73	9	3
30-34	552	18	71	8	2
35-39	272	19	71	8	1
40-49	246	22	67	9	2
Over 50	161	20	70	6	3
Violent crimes	544	19	62	14	4
Male	522	19	62	15	4
Female	22	27	59	9	5
White	233	16	67	12	5
Black	310	21	59	16	4
Other	1	100	0	0	0
Less than 18 yrs.	28	4	82	14	0
18-24	235	17	65	13	5
25-29	119	20	61	14	4
30-34	76	22	57	17	4
35-39	32	31	47	22	0
40-49	30	27	53	13	7
Over 50	19	16	63	11	11
Property crimes	1,637	18	74	6	2
Male	1,439	18	73	7	2
Female	198	12	82	5	2
White	758	17	77	4	1
Black	854	16	74	8	2
Other	2	50	50	0	0
Less than 18 yrs.	29	17	83	0	0
18-24	856	14	79	6	1
25-29	264	16	71	9	3
30-34	225	17	75	5	3
35-39	97	13	79	7	0
40-49	79	29	61	9	1
Over 50	36	25	61	8	6
Other crimes	1,398	19	72	6	2
Male	1,185	18	73	6	2
Female	213	23	69	8	1
White	859	17	76	5	2
Black	532	22	67	8	3
Other	1	0	100	0	0
Less than 18 yrs.	12	8	83	0	8
18-24	364	21	70	6	2
25-29	344	13	78	6	3
30-34	251	18	73	8	0
35-39	143	21	71	6	2
40-49	137	16	74	8	1
Over 50	106	20	75	5	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

b. Los Angeles, California 1986

	Number of cases indicted*	Percentage of cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	24,763	9%	81%	8%	2%
Male	22,432	9	81	8	2
Female	2,331	10	80	8	1
White	12,983	9	82	7	2
Black	11,055	8	80	10	2
Other	413	8	78	11	3
Less than 18 yrs.	205	8	80	10	2
18-24	10,267	8	83	8	1
25-29	6,047	9	82	8	1
30-34	3,634	9	80	9	2
35-39	2,081	10	77	11	2
40-49	1,562	10	78	10	2
Over 50	627	12	73	11	4
Violent crimes	5,702	7	76	13	3
Male	5,355	7	76	14	3
Female	347	8	79	11	3
White	2,838	7	78	12	3
Black	2,665	8	74	15	3
Other	123	7	67	19	7
Less than 18 yrs.	102	6	78	14	2
18-24	2,450	6	79	12	3
25-29	1,312	8	77	13	3
30-34	796	8	72	15	5
35-39	457	9	69	19	4
40-49	337	7	76	14	3
Over 50	155	12	64	18	6
Property crimes	5,601	6	87	6	1
Male	5,015	6	87	6	1
Female	586	6	88	5	1
White	3,423	6	88	5	1
Black	2,013	6	85	8	1
Other	112	7	81	11	1
Less than 18 yrs.	27	7	81	4	7
18-24	2,301	6	89	5	1
25-29	1,429	6	86	7	1
30-34	855	5	87	7	1
35-39	474	7	84	8	1
40-49	356	6	85	8	1
Over 50	99	12	76	9	3
Other crimes	13,460	10	81	7	1
Male	12,062	10	81	7	1
Female	1,398	12	77	9	1
White	6,722	12	81	6	1
Black	6,377	9	81	8	1
Other	178	8	84	7	1
Less than 18 yrs.	76	11	83	7	0
18-24	5,516	10	82	7	1
25-29	3,306	10	82	7	1
30-34	1,983	11	80	8	2
35-39	1,150	12	77	9	2
40-49	869	13	76	9	2
Over 50	373	12	76	9	3

Note: The absolute number of indicted cases is undercounted in 1986. See appendix A text.

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 12. Continued
Disposition of felony arrests that result in felony indictm by defendant characteristics and crime type

c. Manhattan, New York 1986

	Number of cases indicted*	Percentage of cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	10,181	11%	79%	7%	2%
Male	8,372	11	79	7	2
Female	747	12	82	5	1
White	3,593	11	82	5	2
Black	5,354	12	78	8	3
Other	124	23	69	7	1
Less than 18 yrs.	773	9	87	3	1
18-24	3,274	10	81	6	2
25-29	2,127	12	79	7	2
30-34	1,390	12	77	8	2
35-39	770	12	76	9	2
40-49	586	13	74	10	3
Over 50	266	16	72	8	5
Violent crimes	3,805	13	72	11	4
Male	3,235	13	72	11	4
Female	217	16	73	8	3
White	1,033	13	74	10	4
Black	2,350	13	71	12	4
Other	51	27	61	10	2
Less than 18 yrs.	480	10	84	4	2
18-24	1,368	12	75	9	4
25-29	728	13	71	13	3
30-34	420	14	66	15	5
35-39	204	20	56	21	3
40-49	180	17	62	13	8
Over 50	91	23	56	12	9
Property crimes	1,949	7	85	7	1
Male	1,621	6	86	7	1
Female	170	6	88	5	1
White	679	6	87	6	1
Black	1,086	7	85	7	1
Other	14	14	79	7	0
Less than 18 yrs.	120	4	96	0	0
18-24	617	5	88	6	1
25-29	452	8	85	6	2
30-34	271	6	83	10	1
35-39	179	7	84	8	1
40-49	122	7	80	11	1
Over 50	32	9	72	13	6
Other crimes	4,427	12	83	3	1
Male	3,516	12	83	4	1
Female	360	12	85	2	0
White	1,881	11	85	3	1
Black	1,918	13	81	4	2
Other	59	22	73	5	0
Less than 18 yrs.	173	8	90	2	0
18-24	1,289	11	84	3	1
25-29	947	13	82	4	1
30-34	699	14	82	3	1
35-39	387	11	83	4	2
40-49	284	13	80	6	0
Over 50	143	13	82	3	1

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

d. Portland, Oregon 1986

	Number of cases indicted*	Percentage of cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	4,397	14%	72%	12%	2%
Male	3,609	14	71	13	2
Female	627	13	79	7	1
White	2,987	14	73	11	2
Black	1,093	12	70	15	3
Other	103	12	77	9	3
Less than 18 yrs.	20	10	70	20	0
18-24	1,517	14	73	12	1
25-29	983	13	74	11	2
30-34	823	13	72	12	3
35-39	491	11	72	13	3
40-49	334	17	68	10	5
Over 50	181	15	65	18	2
Violent crimes	681	12	63	21	4
Male	600	12	62	22	4
Female	60	10	75	12	3
White	395	11	65	20	4
Black	242	13	61	23	4
Other	19	11	68	11	11
Less than 18 yrs.	7	0	57	43	0
18-24	234	12	63	23	3
25-29	144	8	68	20	3
30-34	140	14	62	18	6
35-39	64	8	61	23	8
40-49	56	16	64	14	5
Over 50	29	17	55	24	3
Property crimes	1,257	13	72	13	2
Male	1,031	13	71	14	2
Female	187	13	79	7	1
White	869	14	72	12	2
Black	316	10	71	17	3
Other	24	4	92	0	4
Less than 18 yrs.	4	25	75	0	0
18-24	519	13	74	12	1
25-29	242	12	73	14	2
30-34	223	11	74	12	3
35-39	133	11	72	14	4
40-49	84	21	62	10	7
Over 50	36	11	56	31	3
Other crimes	2,459	14	75	9	2
Male	1,978	15	74	10	2
Female	380	13	79	7	1
White	1,723	15	75	9	2
Black	535	13	74	11	2
Other	60	15	73	12	0
Less than 18 yrs.	9	11	78	11	0
18-24	764	15	76	9	1
25-29	597	14	76	8	2
30-34	460	14	74	10	2
35-39	294	13	75	11	2
40-49	194	15	72	9	4
Over 50	116	16	71	12	2

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 12. Continued
Disposition of felony arrests that result in felony indictme by defendant characteristics and crime type

e. St. Louis, Missouri 1986

	Number of cases indicted*	Percentage of cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	2,829	12%	81%	5%	2%
Male	2,549	12	80	5	2
Female	280	10	86	3	2
White	668	10	82	4	3
Black	2,160	12	81	5	2
Other	1	0	100	0	0
Less than 18 yrs.	190	6	87	3	3
18-24	1,153	10	84	4	2
25-29	631	12	80	7	2
30-34	390	14	79	4	3
35-39	206	16	75	7	2
40-49	173	13	76	9	2
Over 50	85	19	73	4	5
Violent crimes	502	16	62	15	7
Male	473	16	62	15	7
Female	29	10	66	17	7
White	119	10	70	9	11
Black	382	18	59	17	6
Other	1	0	100	0	0
Less than 18 yrs.	38	8	66	16	11
18-24	216	15	65	13	7
25-29	116	16	56	21	8
30-34	55	27	55	11	7
35-39	33	21	61	15	3
40-49	26	8	69	23	0
Over 50	18	11	67	6	17
Property crimes	874	9	87	3	1
Male	797	9	86	4	2
Female	77	3	97	0	0
White	258	8	87	4	1
Black	616	9	87	3	1
Other	0	0	0	0	0
Less than 18 yrs.	84	5	93	0	2
18-24	373	7	90	2	1
25-29	178	10	83	6	1
30-34	120	11	83	3	3
35-39	65	6	85	6	3
40-49	39	18	74	8	0
Over 50	14	21	79	0	0
Other crimes	1,453	12	84	3	1
Male	1,279	12	84	3	1
Female	174	13	84	1	2
White	291	13	83	2	2
Black	1,162	12	84	3	1
Other	0	0	0	0	0
Less than 18 yrs.	68	7	93	0	0
18-24	564	10	87	3	1
25-29	337	12	86	2	1
30-34	215	13	83	3	2
35-39	108	19	74	3	2
40-49	108	13	78	6	4
Over 50	53	21	74	4	2

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

f. San Diego, California 1986

	Number of cases indicted*	Percentage of cases indicted resulting in: Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	8,089	6%	90%	4%	1%
Male	6,793	6	90	4	1
Female	1,285	7	91	2	0
White	5,677	6	91	3	0
Black	2,005	6	88	5	1
Other	169	5	94	1	0
Less than 18 yrs.	34	18	79	3	0
18-24	3,175	6	91	3	0
25-29	2,015	5	90	4	1
30-34	1,388	6	89	4	1
35-39	768	6	89	5	0
40-49	512	7	86	6	1
Over 50	179	4	89	5	1
Violent crimes	1,465	6	85	8	1
Male	1,381	6	85	8	1
Female	83	6	90	2	1
White	924	5	86	7	1
Black	477	6	83	9	1
Other	20	5	95	0	0
Less than 18 yrs.	14	21	71	7	0
18-24	549	6	87	6	1
25-29	371	5	84	9	2
30-34	258	6	83	10	2
35-39	126	4	89	6	2
40-49	100	6	83	10	1
Over 50	44	5	86	9	0
Property crimes	2,716	5	92	3	0
Male	2,352	5	91	3	0
Female	361	6	92	2	0
White	2,013	5	92	2	0
Black	573	6	89	4	0
Other	55	5	93	2	0
Less than 18 yrs.	9	11	89	0	0
18-24	1,219	6	92	2	0
25-29	664	5	92	3	1
30-34	432	5	92	2	0
35-39	213	7	88	6	0
40-49	122	4	91	5	0
Over 50	52	4	88	8	0
Other crimes	3,908	6	91	3	0
Male	3,060	6	91	3	0
Female	841	8	90	2	0
White	2,740	6	91	2	0
Black	955	6	89	4	1
Other	94	4	95	1	0
Less than 18 yrs.	11	18	82	0	0
18-24	1,407	6	92	2	0
25-29	980	6	92	2	0
30-34	698	6	90	3	1
35-39	429	6	90	4	0
40-49	290	8	86	6	1
Over 50	83	5	92	1	2

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 12. Continued
Disposition of felony arrests that result in felony indictment, by defendant characteristics and crime type

g. Washington, D.C. 1986

	Number of cases indicted*	Percentage of cases indicted resulting in:			
		Dismissal**	Guilty plea	Trial conviction	Trial acquittal
All crimes	6,782	15%	75%	7%	3%
Male	6,059	15	75	7	3
Female	723	14	79	5	2
White	184	17	71	8	4
Black	6,497	15	76	7	2
Other	7	29	57	14	0
Less than 18 yrs.	46	9	78	11	2
18-24	2,852	14	78	6	2
25-29	1,569	16	73	9	2
30-34	1,106	16	75	7	2
35-39	614	14	78	5	3
40-49	407	17	68	11	5
Over 50	143	15	69	11	5
Violent crimes	1,188	19	57	16	8
Male	1,088	19	57	16	8
Female	100	22	60	12	6
White	39	23	56	15	5
Black	1,116	19	57	16	9
Other	4	25	50	25	0
Less than 18 yrs.	35	9	74	14	3
18-24	463	21	57	14	8
25-29	287	17	57	17	8
30-34	164	21	50	21	7
35-39	102	14	68	8	11
40-49	87	25	43	17	15
Over 50	48	13	63	17	8
Property crimes	614	18	73	8	1
Male	553	18	74	7	1
Female	61	11	67	15	7
White	36	19	61	11	8
Black	572	17	74	8	1
Other	0	0	0	0	0
Less than 18 yrs.	3	0	100	0	0
18-24	278	17	74	8	1
25-29	157	20	69	10	1
30-34	97	19	76	5	0
35-39	37	8	81	5	5
40-49	31	10	77	13	0
Over 50	6	33	50	0	17
Other crimes	4,980	14	80	5	1
Male	4,418	14	80	5	1
Female	562	13	84	2	1
White	109	14	80	5	2
Black	4,809	14	80	5	1
Other	3	33	67	0	0
Less than 18 yrs.	8	13	88	0	0
18-24	2,111	12	83	4	1
25-29	1,125	16	77	6	1
30-34	845	14	80	4	2
35-39	475	15	79	4	1
40-49	289	15	75	8	2
Over 50	89	15	74	9	2

*Includes only cases for which demographic data were available.
**Dismissals include diversions and referrals for other prosecution.

Table 13. Incarceration rates for filed cases convicted in felony or misdemeanor court, by defendant characteristics and crime type

a. Manhattan, New York
b. Portland, Oregon
c. St. Louis, Missouri
d. San Diego, California

a. Manhattan, New York 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	21,139	36%	39%	6%	19%
Male	16,940	35	39	6	20
Female	2,358	46	41	4	8
White	7,698	42	36	6	17
Black	11,304	32	42	7	19
Other	202	54	23	4	18
Less than 18 yrs.	1,412	58	22	7	13
18-24	6,491	35	38	7	19
25-29	4,452	31	42	6	21
30-34	3,220	32	45	6	18
35-39	1,767	31	46	5	18
40-49	1,427	43	36	5	16
Over 50	673	58	26	4	12
Violent crimes	5,506	29	29	7	35
Male	4,635	29	29	7	35
Female	415	34	41	6	19
White	1,623	37	27	6	30
Black	3,324	25	32	7	36
Other	76	50	22	4	24
Less than 18 yrs.	562	50	17	7	26
18-24	1,937	27	29	8	35
25-29	1,162	24	34	5	37
30-34	664	25	34	6	35
35-39	345	26	37	4	33
40-49	291	37	27	6	31
Over 50	125	46	24	4	26
Property crimes	6,425	34	47	7	12
Male	5,059	32	47	7	13
Female	888	43	49	3	5
White	2,259	40	43	6	11
Black	3,606	30	50	7	13
Other	44	59	30	2	9
Less than 18 yrs.	470	63	25	7	5
18-24	2,026	36	46	7	11
25-29	1,402	29	49	6	15
30-34	1,026	25	56	8	11
35-39	573	26	54	7	13
40-49	366	33	45	5	17
Over 50	114	39	45	6	10
Other crimes	9,228	42	39	6	14
Male	7,246	41	40	6	14
Female	1,055	54	35	3	7
White	3,816	46	34	5	14
Black	4,374	39	44	6	12
Other	82	55	21	6	18
Less than 18 yrs.	380	62	25	7	5
18-24	2,528	41	39	7	13
25-29	1,888	37	42	6	15
30-34	1,530	39	43	4	14
35-39	849	37	43	4	15
40-49	770	50	35	4	11
Over 50	434	66	22	4	8

*Includes only cases for which demographic and sentencing data were available.

Table 13. Continued
Incarceration rates for filed cases convicted in felony or misdemeanor court, by defendant characteristics and crime type

b. Portland, Oregon 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	3,739	60%	4%	3%	34%
Male	3,052	56	4	3	37
Female	556	75	3	2	20
White	2,528	63	4	3	30
Black	939	48	3	3	45
Other	91	67	5	2	25
Less than 18 yrs.	15	67	0	0	33
18-24	1,316	63	3	3	31
25-29	846	56	3	3	38
30-34	700	61	4	3	32
35-39	421	57	5	2	36
40-49	258	58	6	3	33
Over 50	149	60	5	2	32
Violent crimes	586	45	3	1	51
Male	509	41	3	1	54
Female	59	76	2	0	22
White	344	49	4	1	46
Black	205	36	2	2	60
Other	16	56	0	0	44
Less than 18 yrs.	4	50	0	0	50
18-24	209	47	2	1	49
25-29	132	42	3	0	55
30-34	119	45	5	2	49
35-39	55	40	4	0	56
40-49	41	49	2	5	44
Over 50	21	48	0	0	52
Property crimes	1,092	58	3	1	37
Male	890	55	3	1	41
Female	173	71	5	2	22
White	741	62	2	2	33
Black	290	45	4	)	50
Other	23	65	17	0	17
Less than 18 yrs.	3	67	0	0	33
18-24	456	61	2	1	36
25-29	213	54	2	3	40
30-34	199	58	5	2	36
35-39	117	48	5	3	44
40-49	61	56	7	0	38
Over 50	33	70	6	0	24
Other crimes	2,061	65	4	4	27
Male	1,653	62	5	5	29
Female	324	78	1	2	19
White	1,443	67	4	4	25
Black	444	56	3	5	36
Other	52	71	2	4	23
Less than 18 yrs.	8	75	0	0	25
18-24	651	69	3	5	23
25-29	501	60	3	4	33
30-34	382	67	4	4	24
35-39	249	65	5	3	28
40-49	156	62	6	3	29
Over 50	95	60	6	3	31

*Includes only cases for which demographic and sentencing data were available.

c. St. Louis, Missouri 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	2,456	43%	7%	10%	40%
Male	2,205	41	7	10	42
Female	251	69	3	7	22
White	587	51	6	10	34
Black	1,868	41	7	10	42
Other	1	100	0	0	0
Less than 18 yrs.	175	45	2	10	43
18-24	1,027	44	7	11	38
25-29	547	38	9	9	45
30-34	325	45	4	12	39
35-39	167	39	8	10	43
40-49	148	51	8	5	36
Over 50	66	68	3	8	21
Violent crimes	386	21	3	6	70
Male	362	20	2	6	71
Female	24	33	4	0	63
White	94	32	1	5	62
Black	291	17	3	6	74
Other	1	100	0	0	0
Less than 18 yrs.	31	19	0	3	77
18-24	169	22	1	6	71
25-29	89	12	4	6	78
30-34	36	39	6	6	50
35-39	24	8	4	8	79
40-49	24	21	4	4	71
Over 50	13	46	0	15	38
Property crimes	798	41	7	12	40
Male	720	38	7	12	42
Female	78	67	6	8	19
White	242	49	8	11	32
Black	556	38	7	12	44
Other	0	0	0	0	0
Less than 18 yrs.	81	53	1	5	41
18-24	350	44	7	13	36
25-29	161	36	11	10	43
30-34	103	27	3	17	53
35-39	58	38	7	12	43
40-49	33	45	12	6	36
Over 50	11	73	0	18	9
Other crimes	1,272	52	8	10	30
Male	1,123	49	9	11	32
Female	149	75	1	7	16
White	251	60	6	10	24
Black	1,021	50	9	10	31
Other	0	0	0	0	0
Less than 18 yrs.	63	46	3	21	30
18-24	508	51	9	11	28
25-29	297	47	8	9	36
30-34	186	55	5	10	30
35-39	85	48	11	9	32
40-49	91	60	8	5	26
Over 50	42	74	5	2	19

*Includes only cases for which demographic and sentencing data were available.

*Includes only cases for which demographic and sentencing data were available.

Table 13. Continued
Incarceration rates for filed cases convicted in felony or misdemeanor court, by defendant characteristics and crime type

d. San Diego, California 1986

	Number of convictions*	Percentage of convictions resulting in incarceration for:			
		No incarceration	Less than 1 year	Exactly 1 year	More than 1 year
All crimes	13,143	16%	58%	9%	17%
Male	10,937	15	56	10	19
Female	2,187	19	70	5	6
White	9,689	16	59	9	16
Black	2,608	13	55	10	23
Other	317	20	61	8	12
Less than 18 yrs.	39	15	44	8	33
18-24	5,410	15	60	9	16
25-29	3,248	16	58	9	17
30-34	2,137	15	59	9	18
35-39	1,196	19	54	9	18
40-49	774	20	55	9	17
Over 50	306	23	56	8	13
Violent crimes	1,811	13	42	12	33
Male	1,691	12	41	13	34
Female	119	15	60	9	16
White	1,202	14	44	12	30
Black	493	8	35	14	43
Other	50	28	60	8	4
Less than 18 yrs.	10	10	0	10	80
18-24	696	10	46	12	32
25-29	464	13	40	14	34
30-34	308	13	40	11	36
35-39	159	13	43	15	28
40-49	117	25	37	9	30
Over 50	54	19	41	17	24
Property crimes	4,180	11	59	11	20
Male	3,430	9	57	11	22
Female	746	15	68	7	10
White	3,131	10	60	11	19
Black	817	10	55	10	25
Other	98	12	63	8	16
Less than 18 yrs.	15	13	53	7	27
18-24	1,900	9	63	10	18
25-29	982	9	57	12	21
30-34	647	13	55	9	22
35-39	347	13	51	10	27
40-49	185	15	55	11	19
Over 50	95	16	61	11	13
Other crimes	7,152	20	62	7	11
Male	5,816	20	60	8	12
Female	1,322	22	71	3	4
White	5,356	20	62	7	10
Black	1,298	16	62	8	14
Other	169	22	59	8	11
Less than 18 yrs.	14	21	64	7	7
18-24	2,814	20	62	7	10
25-29	1,802	20	62	7	10
30-34	1,182	17	65	7	10
35-39	690	23	59	7	12
40-49	472	21	59	7	13
Over 50	157	29	59	3	10

*Includes only cases for which demographic and sentencing data were available.

Table 14. Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

a. Indianapolis, Indiana
b. Los Angeles, California
c. Manhattan, New York
d. Portland, Oregon
e. St. Louis, Missouri
f. San Diego, California

a. Indianapolis, Indiana 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	2,815	36%	9%	12%	43%
Male	2,470	34	9	12	45
Female	345	51	7	14	27
White	1,486	42	8	11	38
Black	1,323	29	10	14	48
Other	2	100	0	0	0
Less than 18 yrs.	61	13	2	10	75
18-24	1,183	40	10	12	38
25-29	587	31	9	13	48
30-34	434	30	8	15	47
35-39	214	32	11	8	49
40-49	186	39	7	11	44
Over 50	117	53	8	8	32
Violent crimes	415	15	2	6	78
Male	400	14	2	6	78
Female	15	27	0	0	73
White	184	18	2	5	75
Black	231	12	3	6	80
Other	0	0	0	0	0
Less than 18 yrs.	27	7	0	4	89
18-24	182	18	3	7	73
25-29	90	9	2	3	86
30-34	55	11	2	7	80
35-39	22	18	0	5	77
40-49	20	15	5	5	75
Over 50	14	29	0	7	64
Property crimes	1,308	39	10	13	39
Male	1,140	37	11	13	40
Female	168	51	7	15	28
White	612	45	8	11	35
Black	694	33	12	14	42
Other	1	100	0	0	0
Less than 18 yrs.	24	8	4	17	71
18-24	725	45	13	12	31
25-29	210	32	7	14	47
30-34	177	32	6	16	46
35-39	82	22	12	12	54
40-49	54	33	6	11	50
Over 50	24	38	8	17	38
Other crimes	1,092	41	10	14	35
Male	930	39	11	14	37
Female	162	54	9	15	22
White	690	46	10	12	32
Black	398	32	11	17	40
Other	1	100	0	0	0
Less than 18 yrs.	10	40	0	10	50
18-24	276	42	9	18	32
25-29	287	36	13	15	37
30-34	202	33	11	16	40
35-39	110	42	12	6	40
40-49	112	46	8	12	35
Over 50	79	62	9	5	24

*Includes only cases for which demographic and sentencing data were available.

Table 14. Continued
Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

b. Los Angeles, California 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	21,047	7%	39%	13%	41%
Male	19,077	6	39	13	42
Female	1,970	13	48	11	28
White	11,072	7	39	13	40
Black	9,365	6	40	13	41
Other	343	15	36	10	39
Less than 18 yrs.	171	5	28	15	49
18-24	8,826	6	43	13	38
25-29	5,187	6	37	13	44
30-34	3,060	7	38	13	42
35-39	1,714	9	37	12	41
40-49	1,303	12	36	12	40
Over 50	503	15	37	13	36
Violent crimes	4,811	4	22	13	61
Male	4,514	4	21	12	62
Female	297	4	37	16	42
White	2,439	4	24	12	59
Black	2,211	4	20	13	63
Other	98	6	20	9	64
Less than 18 yrs.	87	9	13	9	69
18-24	2,108	3	23	13	61
25-29	1,110	3	21	12	65
30-34	651	4	23	14	59
35-39	373	4	20	15	61
40-49	286	9	20	11	60
Over 50	121	8	37	10	45
Property crimes	4,993	5	32	14	49
Male	4,466	4	31	15	50
Female	527	13	39	12	37
White	3,072	5	32	15	48
Black	1,785	4	31	14	51
Other	93	10	40	15	35
Less than 18 yrs.	21	5	29	29	38
18-24	2,063	4	37	16	44
25-29	1,274	4	30	13	52
30-34	771	4	26	16	55
35-39	415	7	31	12	50
40-49	319	9	29	9	52
Over 50	81	12	23	16	48
Other crimes	11,243	9	50	13	28
Male	10,097	8	50	13	29
Female	1,146	16	55	9	20
White	5,561	10	50	13	27
Black	5,369	8	51	13	29
Other	152	23	44	8	25
Less than 18 yrs.	63	10	49	17	24
18-24	4,655	8	54	13	25
25-29	2,803	8	47	14	31
30-34	1,638	9	50	12	29
35-39	926	12	47	12	29
40-49	698	14	46	13	27
Over 50	301	18	41	13	29

*Includes only cases for which demographic and sentencing data were available.

Note: The absolute number of indicted cases is undercounted in 1986. See appendix A text.

c. Manhattan, New York 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	8,563	24%	18%	12%	46%
Male	7,048	23	18	12	47
Female	624	36	22	10	32
White	3,061	28	19	11	42
Black	4,484	21	18	13	49
Other	90	42	10	7	41
Less than 18 yrs.	671	47	11	14	28
18-24	2,798	24	19	14	44
25-29	1,784	18	19	11	52
30-34	1,154	20	20	12	49
35-39	639	17	23	10	50
40-49	483	25	18	10	48
Over 50	207	38	14	10	38
Violent crimes	3,111	8	12	10	61
Male	2,641	17	12	10	62
Female	173	26	15	13	46
White	846	20	13	9	58
Black	1,921	16	11	10	63
Other	35	34	9	6	51
Less than 18 yrs.	404	43	11	9	37
18-24	1,143	16	12	12	60
25-29	602	10	11	7	72
30-34	334	9	12	9	70
35-39	157	7	15	5	73
40-49	135	15	10	9	66
Over 50	61	31	8	8	52
Property crimes	1,762	22	18	16	45
Male	1,470	20	17	17	46
Female	153	43	23	8	26
White	618	28	17	15	40
Black	983	18	18	17	47
Other	11	45	18	0	36
Less than 18 yrs.	114	43	12	25	20
18-24	568	24	19	17	40
25-29	400	16	18	14	52
30-34	248	21	15	19	46
35-39	160	14	24	15	46
40-49	108	27	9	7	56
Over 50	27	26	26	7	41
Other crimes	3,690	30	24	12	34
Male	2,937	29	24	12	34
Female	298	39	27	9	26
White	1,597	32	23	11	34
Black	1,580	27	26	13	33
Other	44	48	9	9	34
Less than 18 yrs.	153	59	12	17	12
18-24	1,087	32	25	13	30
25-29	782	26	25	12	37
30-34	572	26	26	10	38
35-39	322	23	26	10	40
40-49	240	30	26	11	34
Over 50	119	44	15	12	29

*Includes only cases for which demographic and sentencing data were available.

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Table 14. Continued
Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

d. Portland, Oregon 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	3,604	59%	3%	3%	35%
Male	2,953	56	3	3	38
Female	525	75	1	2	22
White	2,443	63	3	3	31
Black	900	47	2	3	47
Other	86	69	2	2	27
Less than 18 yrs.	13	67	0	0	33
18-24	1,264	62	2	3	33
25-29	821	55	2	3	39
30-34	669	61	3	3	33
35-39	407	56	4	2	37
40-49	248	58	4	3	35
Over 50	147	61	5	2	33
Violent crimes	546	44	1	1	54
Male	479	40	1	1	57
Female	50	74	0	0	26
White	319	49	1	1	49
Black	192	33	1	2	64
Other	15	53	0	0	47
Less than 18 yrs.	4	50	0	0	50
18-24	196	45	2	2	52
25-29	123	41	0	0	59
30-34	105	43	0	2	55
35-39	51	37	2	0	61
40-49	41	49	2	5	44
Over 50	21	48	0	0	52
Property crimes	1,036	57	2	1	39
Male	852	54	2	1	42
Female	157	71	3	3	24
White	711	62	2	2	35
Black	269	43	2	1	54
Other	21	71	10	0	19
Less than 18 yrs.	3	67	0	0	33
18-24	435	60	2	1	37
25-29	203	54	1	3	42
30-34	189	58	3	2	38
35-39	110	46	4	3	47
40-49	56	57	2	0	41
Over 50	31	71	3	0	26
Other crimes	2,022	65	4	4	27
Male	1,622	61	4	5	30
Female	318	78	1	2	19
White	1,413	66	4	4	25
Black	439	56	3	5	36
Other	50	72	0	4	24
Less than 18 yrs.	8	73	0	0	25
18-24	633	69	3	5	23
25-29	495	59	3	4	34
30-34	375	67	4	4	25
35-39	246	65	4	3	28
40-49	151	61	6	3	30
Over 50	95	60	6	3	31

*Includes only cases for which demographic and sentencing data were available.

e. St. Louis, Missouri 1986

	Number of convictions*	No incarceration	Percentage of convictions resulting in incarceration for: Less than 1 year	Exactly 1 year	More than 1 year
All crimes	2,425	44%	7%	10%	40%
Male	2,178	41	7	10	42
Female	247	68	3	7	21
White	575	51	5	10	33
Black	1,849	41	7	10	41
Other	1	100	0	0	0
Less than 18 yrs.	172	45	2	10	42
18-24	1,014	44	7	11	37
25-29	541	38	8	9	45
30-34	320	44	4	12	40
35-39	166	39	8	10	42
40-49	146	50	8	5	36
Over 50	65	69	2	8	22
Violent crimes	385	21	3	6	70
Male	361	20	2	6	71
Female	24	33	4	0	63
White	94	32	1	5	62
Black	290	17	3	6	73
Other	1	100	0	0	0
Less than 18 yrs.	31	19	0	3	77
18-24	168	22	1	6	71
25-29	89	12	4	6	78
30-34	36	39	6	6	50
35-39	24	8	4	8	79
40-49	24	21	4	4	71
Over 50	13	46	0	15	38
Property crimes	782	41	7	12	40
Male	707	39	7	12	42
Female	75	67	7	8	19
White	234	49	8	12	31
Black	548	38	7	12	43
Other	0	0	0	0	0
Less than 18 yrs.	78	55	1	5	38
18-24	343	44	8	13	35
25-29	159	36	11	10	43
30-34	100	27	3	16	54
35-39	58	38	7	12	43
40-49	32	44	13	6	38
Over 50	11	73	0	18	9
Other crimes	1,258	52	8	10	30
Male	1,110	49	9	11	32
Female	148	75	1	7	16
White	247	60	5	10	25
Black	1,011	50	9	10	31
Other	0	0	0	0	0
Less than 18 yrs.	63	46	3	21	30
18-24	503	51	9	11	28
25-29	293	47	8	9	35
30-34	184	55	5	10	30
35-39	84	49	11	10	31
40-49	90	60	8	6	27
Over 50	41	76	2	2	20

*Includes only cases for which demographic and sentencing data were available.

Table 14. Continued
Incarceration rates for indicted cases convicted in felony court, by defendant characteristics and crime type

f. San Diego, California 1986

	Number of convictions*	Percentage of convictions resulting in incarceration for: No incarceration	Less than 1 year	Exactly 1 year	More than 1 year
All crimes	7,370	11%	45%	14%	30%
Male	6,213	9	42	16	33
Female	1,148	17	62	8	12
White	5,186	11	46	15	29
Black	1,824	10	44	14	32
Other	155	10	54	13	24
Less than 18 yrs.	27	19	22	11	48
18-24	2,897	8	47	15	29
25-29	1,855	10	45	15	30
30-34	1,255	13	44	13	30
35-39	703	13	43	13	31
40-49	452	15	43	12	29
Over 50	164	15	48	13	24
Violent crimes	1,319	9	29	16	45
Male	1,246	9	28	17	46
Female	72	13	50	11	26
White	835	11	30	16	43
Black	429	7	28	16	49
Other	18	17	50	22	11
Less than 18 yrs.	10	10	0	10	80
18-24	492	7	32	17	45
25-29	343	9	28	17	46
30-34	229	9	28	14	48
35-39	116	12	28	21	39
40-49	86	21	27	12	41
Over 50	41	17	29	22	32
Property crimes	2,500	10	41	16	33
Male	2,171	8	41	16	35
Female	326	20	44	15	22
White	1,863	9	42	16	32
Black	525	11	36	14	39
Other	51	8	47	14	31
Less than 18 yrs.	8	13	25	13	50
18-24	1,127	7	47	15	30
25-29	613	9	39	18	34
30-34	394	14	36	14	36
35-39	195	13	27	13	47
40-49	111	17	36	14	32
Over 50	47	11	45	19	26
Other crimes	3,551	12	54	13	21
Male	2,796	10	50	15	25
Female	750	17	72	5	7
White	2,488	11	53	13	22
Black	870	12	56	12	20
Other	86	9	58	10	22
Less than 18 yrs.	9	33	44	11	11
18-24	1,278	9	53	15	22
25-29	899	11	55	13	21
30-34	632	13	55	13	19
35-39	392	14	55	10	21
40-49	255	13	52	11	24
Over 50	76	17	59	4	20

*Includes only cases for which demographic and sentencing data were available.

Appendix B

Jurisdictional characteristics

This appendix describes the local law enforcement and court systems, the organization of the prosecutor's office, and the procedures for handling felony cases from arrest through sentencing in each of the participating jurisdictions. This information was collected through onsite interviews conducted in each jurisdiction. The information reported for the 10 new jurisdictions added to the 1986 report (Annapolis, Maryland; Boise, Idaho; Columbus, Ohio; El Paso, Texas; Lincoln, Nebraska; Manchester, New Hampshire; Pittsburgh, Pennsylvania; Riverside, California; Springfield, Massachusetts; Virginia Beach, Virginia) refers to the procedures in place at the time of the onsite interviews in early 1988. The information for all other participating jurisdictions has been updated based on telephone interviews conducted in late 1987 and early 1988. Onsite interviews in these jurisdictions were originally conducted between 1982 and 1984.

The jurisdictional information in this appendix is a resource for understanding the felony disposition process and assisting users in interpreting the data reported. Jurisdictions have developed varied legal and administrative systems for processing felony arrests. A detailed understanding of each jurisdiction's case-processing system is necessary to interpret the disposition statistics collected and to develop comparative data.

The descriptions focus on the path an indicted felony follows from arrest to sentencing. Where appropriate, the narrative also indicates how other felony arrests are disposed along this path. A major goal is to describe the process by which cases are weeded-out or carried forward in individual jurisdictions. The disposition statistics in the text and appendix A tables do this within the context of the definitions derived to facilitate cross-jurisdictional comparisons (i.e., all arrests, cases filed, and cases indicted). This appendix describes the disposition process within the context of the intricate administrative processes that are unique to individual jurisdictions.

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Boise, Idaho (Ada County) 97
Brighton, Colorado (17th Judicial District) 98
Chicago, Illinois (Cook County) 99
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Dallas, Texas (Dallas County) 102
Detroit, Michigan (Wayne County) 103
El Paso, Texas (34th Judicial District) 104
Geneva, Illinois (Kane County) 105
Indianapolis, Indiana (Marion County) 106
Lincoln, Nebraska (Lancaster County) 107
Littleton, Colorado (18th Judicial District) 109
Los Angeles, California (Los Angeles County) 110
Manchester, New Hampshire (Hillsborough County) 111
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Riverside, California (Riverside County) 122
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San Diego, California (San Diego County) 124
Springfield, Massachusetts (Hampden County) 126
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Annapolis, Maryland (Anne Arundel County)

State's attorney's office

The state's attorney for Anne Arundel County has jurisdiction over the prosecution of all misdemeanors, felonies, juvenile cases, domestic relations offenses, and county code violations arising within the county. The Anne Arundel county police department accounts for about 75% of the office's caseload.

The office is staffed by 29 attorneys, who are located in 3 offices in the county. The main office in Annapolis is headquarters for 2 attorneys who specialize in prosecuting domestic relations cases and 21 attorneys who are in the circuit (felony) court division. Six attorneys in the district (lower) court division are divided equally between two satellite offices.

District court attorneys are responsible for the screening and prosecution of all misdemeanors and a select group of felonies that may be tried in the district court. They also conduct initial felony proceedings for serious felonies.

All of the circuit court attorneys serve as trial attorneys, although five primarily screen cases. One of the five screens only juvenile cases, and another screens only cases involving sexual abuse.

All felonies are prosecuted vertically following initial appearance in the circuit court.

Court system

Anne Arundel county has a two-tiered court system. The district court handles all misdemeanors, traffic offenses, civil cases under $10,000, and most felonies involving theft, bad checks, and credit card fraud. The six district court judges also preside at felony bond hearings and at preliminary hearings for felonies that may only be tried in the circuit court.

The circuit court, a court of general jurisdiction, handles serious felonies, juvenile matters, civil cases over $10,000, and appeals. It is also the only court that can hold jury trials. District court cases involving defendants who request jury trials are sent to the circuit court for trial.

The circuit court is staffed by nine judges, who handle a mixed caseload. All judges maintain a felony trial calendar, and usually two hear felony trials each week. Juvenile matters are handled almost exclusively by three juvenile masters. Once a week one judge presides at initial appearances.

In Maryland the lower courts have jurisdiction over a number of crimes that in other States are considered felonies. A number of misdemeanor crimes are punishable by 1 year or more in prison, and many less serious felonies disposed in lower court may also result in sentences to prison. The penalties for less serious felonies are the same regardless of the court of final disposition. Thus, the felony crimes disposed in circuit court are a relatively small subset of the crimes typically considered felonies in other jurisdictions.

Felony case processing—arrest through sentencing

Within 24 hours of an arrest, police file a complaint with a district court commissioner, who reviews the statement of charges for probable cause and determines whether to set bail. A closed-circuit television located in the jail is used so that defendants who remain in custody may have their release status reviewed by a district court judge within a day of the commissioner's bond decision.

Defendants have 10 days following their appearance before a commissioner to request a preliminary hearing to determine probable cause. After that time they waive their right to a hearing. Most preliminary hearings are waived due to the defendant's inaction, and the cases are considered bound over to the circuit court for further action by the state's attorney.

The state's attorney's office has 30 days from bindover to file an information or seek an indictment. If the office does not act within that time, the case is dismissed by the district court, but it may be reopened if the office files an indictment at a later date.

Within 48 hours of the filing of charges with the district court, the state's attorney's office receives the statement of charges for all felonies that will be tried in the circuit court. A detailed police report is usually provided within the next week, but it is usually not available before preliminary hearings are scheduled to occur. Once the police report is available, a screening prosecutor reviews the case to determine whether to reject the case, file the case as a misdemeanor, or file an information or seek an indictment. For cases charged as felonies, the screening prosecutor prepares a charging document and assigns a trial attorney to the case. Trial assignments are based on the screening attorney's assessment of a particular attorney's experience and availability.

An initial appearance is scheduled by the circuit court clerk within 2 weeks of the filing of an information or indictment. Initial appearances are held once a week, and attorneys from the circuit court division take turns appearing at initial appearances. The primary purpose of the initial appearance is to determine whether the defendant is represented by counsel, but bail may also be reviewed. No guilty pleas are entered at the initial appearance.

Following initial appearance the case is handled by the trial attorney to whom it has been assigned. That attorney schedules the trial date, usually within 8 weeks of the initial appearance. The State's speedy trial law requires that all cases be tried within 180 days of initial appearance in circuit court or the assignment of counsel, whichever occurs first.

The day before the trial date, the state's attorney's office delivers to the circuit court a list of trials scheduled for the next day. Based on availability, a judge is assigned to each case by the court assignment officer.

Most guilty pleas are entered on the day of trial. Each trial attorney determines the appropriate plea for a case. Except in drug cases, for which sentences are never negotiated, both charges and sentences may be discussed during negotiations. The unofficial office policy is to seek a guilty finding for the charge that most closely reflects the nature of the offense and to negotiate other charges as necessary. The prosecutor may also agree to recommend a cap on the sentence or not to speak at sentencing. Judges are not involved in negotiations.

Trial prosecutors are always present at sentencing but generally refrain from speaking.

Boise, Idaho (Ada County)

Prosecuting attorney's office

The prosecuting attorney is responsible for adult felonies, all juvenile cases, and civil matters, including family support, arising in Ada County. The office also handles misdemeanors occurring in unincorporated areas of the county and, by contract, in some cities. All other misdemeanors are handled by city prosecutors. The prosecuting attorney also represents the State in traffic infraction cases in which the defendant pleads not guilty. The vast majority of felony arrests are brought by the Boise city police and the Ada County sheriff.

The office employs 22 attorneys, including the prosecuting attorney. Six attorneys are assigned to the civil division and 15 to the criminal division. Within the criminal division 3 attorneys handle misdemeanor and traffic duties, 1 handles juvenile cases, and the 11 others handle felony trials. One senior trial attorney supervises the juvenile caseload and heads the sexual assault unit, which handles sexual assault, domestic violence, and child-abuse cases. That attorney is assisted by one full-time and five part-time attorneys. Two attorneys from the civil division assist with child-protection orders and termination cases, and three criminal division attorneys assist with both civil and criminal actions handled by the sexual assault unit.

The chief deputy screens all felonies and misdemeanor cases involving defendants in custody. Other misdemeanors under the prosecuting attorney's jurisdiction are screened by an investigator. After screening all standard felony cases go to the prosecuting attorney for assignment to individual attorneys. Sexual assault cases are assigned by the unit chief. Attorney assignment is based on caseload, skill, and experience. Prosecution is vertical after case screening.

Court system

The district courts of the 4th Judicial Circuit of Idaho serve Ada, Elmore, Boise, and Valley counties. Ninety percent of the felony caseload is generated by Ada County. The district court in Ada adjudicates only Ada County cases. The Ada district court has a magistrate division (lower court) and a district court division (felony court). The court is staffed by 10 magistrates and 7 district court judges. Both have civil and criminal responsibilities.

The magistrates handle all initial arraignments for felony and misdemeanor cases, felony preliminary hearings, and the adjudication of traffic and misdemeanor cases. They also handle civil lawsuits under $10,000, probates, family court matters, and child-support cases. The magistrates rotate criminal and civil responsibilities approximately every 6 months. In each 6-month period eight magistrates are assigned to criminal duties.

The seven district court judges are responsible for felonies after bindover from a preliminary hearing. The civil duties of district court judges include lawsuits over $10,000, appeals from magistrate court, and all appeals from boards and commissions in the county. Cases are randomly assigned by the court clerk. Judges maintain individual calendars and handle mixed criminal and civil dockets. Approximately half of each judge's caseload is criminal. All felony trial attorneys work with all seven judges.

Felony case processing—arrest through sentencing

If a felony case originates as a street arrest, the defendant is held by the police while the case is screened by the chief deputy. The prosecutor's office has 24 hours to file charges. Within that time the chief deputy must prepare a probable cause warrant and have it signed by a magistrate. The defendant is then arraigned on the warrant charges before a magistrate, who sets bond and a preliminary hearing date. A substantial number of arrests (e.g., forgeries, bad checks, drugs) are based on police warrants. The police request an arrest warrant from the chief deputy. An estimated one-quarter of warrant requests are declined. A lower fraction of summary arrests are rejected for prosecution. At screening it is also common for minor "technical felonies" (e.g., thefts of a "marginal felony" amount) to be referred for misdemeanor prosecution.

The day after filing cases are assigned to individual attorneys. Most attorneys handle a mix of cases, but occasionally the prosecuting attorney institutes specialization in specific problem areas to ensure consistency. At the

time of the site visit all felony drug cases, for example, were being handled by two attorneys.

Attorneys receive cases by the second or third day after arrest to prepare for the preliminary hearing. Hearings for defendants in custody occur within 7 to 14 days (by statute they must occur within 14 days). Hearings for defendants on release are held within 2 to 3 weeks. In this period subpoenas are sent to civilian witnesses and a member of the support staff interviews the victim, usually by telephone. If the case is significant, the assigned attorney will go to the victim's home for an interview. This is one of a number of the prosecuting attorney's policies to aid victims.

By the time of the preliminary hearing the prosecutor and the public defender will typically have had a discussion regarding the disposition of routine cases. The office generally has open and frequent discussions with the public defender's staff. Cases in which incarceration is not an issue are usually settled by the date of the preliminary hearing either by a plea to a misdemeanor, which will be disposed in the magistrate division, or by a plea to a felony with an agreement to waive the preliminary hearing. Formal pleas and sentencing for the felony waiver cases occur before a district court judge. If a settlement has not been reached, the preliminary hearing is held, and the case is bound over to the district court for trial. Cases are then randomly assigned to district court judges for an arraignment on the information, which must occur within 14 days of the preliminary hearing.

At the discretion of the prosecuting attorney cases may be presented to a grand jury rather than a preliminary hearing. This option is exercised in 5% of the cases carried forward to the district court. Grand juries are used in complex narcotics cases and cases involving vulnerable victims, such as children. About half of all the felony cases filed are ultimately carried forward to the district court for disposition.

At the district court arraignment the judge sets a trial date within 2 to 6 months. Cases must be brought to trial within 6 months. Plea discussions in the district court occur on a continuing basis between the time of arraignment and trial. Attorneys have a great deal of autonomy in working out their own plea agreements. The chief deputy and two other senior trial attorneys are available to assist the less experienced attorneys. The ultimate focus of plea discussions is the sentence outcome, but negotiations involve a mix of arrangements, including reduced or dropped charges and sentence recommendations. Restitution is a common agreement for first-time property offenders.

Judges generally accept the prosecutors' plea agreements and rarely participate in plea discussions. According to State supreme court Rule 11 the defense can ask a judge prior to pleading if the agreement will be rejected because a plea cannot be retracted if the judge does not accept it. District court judges are not required to indicate in advance what their position will be, however, and some refuse to do so.

Brighton, Colorado (17th Judicial District)

District attorney's office

The district attorney for the 17th Judicial District has jurisdiction over misdemeanors, felonies, traffic, and juvenile cases in Adams County. Eleven law enforcement agencies bring cases to the district attorney. About 20% of the caseload is accounted for by the county sheriff's office.

The district attorney's office is headquartered in Brighton. The office employs 27 attorneys, most of whom are assigned to 1 of 2 sections: the county court (misdemeanor and traffic cases) section, which is staffed by 6 attorneys, or the district court (felony cases) section, which is staffed by 9 attorneys. Each section is supervised by a chief trial deputy.

Attorneys in the district court section are the more experienced prosecutors and are organized into two teams of four attorneys each; a ninth attorney rotates as needed. Two district court attorneys, rotating weekly, manage the preliminary hearings for felony cases. Once cases are assigned for preliminary hearing they are prosecuted vertically.

Other attorneys staff the appellate and juvenile divisions. An experienced deputy district attorney is the permanent complaint officer in the intake (screening) unit. Senior district court attorneys rotate as a second complaint deputy for a 6-month period and review the complaint officer's decisions and sign official papers.

Court system

The county court, the lower court of a two-tiered court system, handles traffic violations, misdemeanors, and initial felony proceedings (advisement, return appearance, and preliminary hearing). The county court also has jurisdiction over civil matters under $5,000. Four of five county court judges hear criminal matters and the other, civil.

The district (felony) court handles felony bindovers, juvenile cases, and civil matters involving $5,000 or more. The court is staffed by six judges, two of whom hear criminal cases. Even-numbered criminal cases are assigned to one judge and odd-numbered cases to the other. Judges operate individual calendars.

Felony case processing—arrest through sentencing

Police may release arrestees on bail or bond prior to their initial court appearance, which is advisement in county court. At the advisement, arrestees are informed of their rights, charges are read, and return appearances are scheduled (within 72 hours).

Several hours prior to the return appearance (second advisement), the district attorney's intake unit screens the case, which is presented by a police investigator, who has obtained reports and related papers from the arresting officer.

The police do little if any pre-screening. The intake unit files, rejects, or diverts the case. About 7% of the cases are filed as misdemeanors, about 13% are diverted, and 17% are rejected.

At the return appearance in county court, the complaint or information is read, the defendant is advised to obtain an attorney, bail status is reviewed, and a preliminary setting is scheduled (for about 10 days later) in county court. The preliminary setting is a scheduling appearance at which a preliminary hearing date is set. Defendants have the right to a preliminary hearing within 30 days; typically, defendants who have met bail waive that right and agree to a preliminary hearing 2 to 3 months later. The preliminary hearing is scheduled within 30 days for defendants in custody.

About 95% of the felony filings result in bindover to the district court. The others are either dismissed or bound over on misdemeanor charges in county court. Many of the cases that are bound over are actually settled prior to the preliminary hearing by an agreement to plea to felony or misdemeanor charges. In that event the county court judge binds over the defendant to district court for entry of the plea and sentencing. A presentence investigation report is usually requested by the judge before sentencing.

Cases that are bound over without a plea agreement are scheduled for a first appearance in district court within 2 to 3 weeks. At the first appearance in district court the information is read and defendants are asked how they plead. If the plea is "guilty," sentencing is set within 8 to 10 weeks, and a presentence investigation report is prepared. If the plea is "not guilty," the judge sets a motions filing deadline of 30 days and schedules the notice to set and a trial date. At the notice-to-set appearance the judge schedules the motions hearing. For defendants convicted at trial, sentencing occurs 8 to 10 weeks after trial, within which period a presentence investigation report is completed.

At sentencing for negotiated pleas and guilty findings, the judge asks the defense and prosecuting attorneys for their sentence recommendations.

In the vast majority of cases the first plea offer is made a few minutes before the county court preliminary hearing. A second, revised offer may be made during the period between the preliminary and motions hearings. The offer is made orally as well as in writing. Typically, plea offers involve charge reductions.

Most deputies put time limits on their plea offers. For class I and II felonies (the most serious), office guidelines specify that plea offers must be approved by a supervisor, must be to the top charge after the preliminary hearing, and must not involve sentence concessions. The chief trial deputy conducts weekly meetings with all trial deputies to discuss schedules and plea offers for other felonies.

Judges are not directly involved in the plea negotiation process. The defense attorney, however, sometimes requests a pre-plea conference, at which the judge will indicate a sentence range. The outcome of the conference is not binding on either party.

Chicago, Illinois (Cook County)

State's attorney's office

The Cook County state's attorney has legal jurisdiction over all felonies and misdemeanors, including juvenile offenses, occurring within the county. In addition the state's attorney is responsible for representing the county in civil matters and for providing legal advice to county officials. Minor traffic and petty offenses are handled by municipal prosecutors.

Over 100 police agencies bring cases to the state's attorney's office. The single largest agency is the Chicago police department, which accounts for 75% of filed felony cases.

The state's attorney's office employs more than 600 attorneys. The office is organized into an executive staff and six bureaus. The vast majority of criminal cases are handled by the criminal prosecutions bureau, which employs approximately 400 attorneys; about 250 handle cases arising in the city of Chicago.

The majority of cases in Chicago are disposed in the circuit court courtrooms located at 26th and California streets, south of downtown. The remainder of this description refers primarily to case handling in those courtrooms.

Prior to bindover, felony cases are handled horizontally by the felony review, preliminary hearing, and grand jury and information sections. After bindover felony cases are handled by the felony trial section. Misdemeanors are handled by a municipal section.

The felony review section consists of 28 attorneys and 2 supervisors, who are available for screening on a 24-hour basis. Two attorneys are always on duty at each of three locations to approve or reject police arrests. Approved arrests are filed in court by the police.

The preliminary hearing section consists of 18 assistants and 4 supervisors, who work in 5 preliminary hearing courtrooms. The preliminary hearing section will either dismiss a case, send it to the grand jury for indictment, or hold a preliminary hearing. The grand jury and information section, consisting of four attorneys, conducts grand jury proceedings and files the information for cases bound over at preliminary hearings.

After indictment or bindover, cases are randomly assigned among 30 felony trial judges handling cases at the 26th and California Street location. From this point cases are handled vertically. Three assistants are assigned to work with each judge. Trial assistants in each courtroom report to one of five supervisors.

Court system

The Cook County circuit court handles virtually all legal matters arising in the county, including civil, criminal, juvenile, domestic relations, and traffic cases. The circuit court is a unified court with a two-tiered structure.

The municipal division of the circuit court handles all misdemeanor cases and felony cases from initial filing through preliminary hearing. The municipal division is divided into six districts. Twenty-five judges serve district 1 (Chicago) and another 10 serve 5 suburban districts. In Chicago 5 to 10 municipal division judges handle only initial hearings in felony cases. In the suburban areas felony pleas and trials can be handled by the municipal division.

The criminal division, referred to locally as the "criminal court," handles felony cases after filing of an information or indictment. The criminal division has a presiding judge and 39 other judges, who sit at 3 locations within the city of Chicago. In addition 11 felony trial judges handle felony cases in the suburban areas. In the California Street courts, cases are randomly assigned to judges by the arraignment judge.

Felony case processing—arrest through sentencing

Misdemeanor arrests are filed directly in court by the police. All felonies, except narcotics cases, are also filed by the police but only after review and approval by the state's attorney's office. The office can and does reject cases for prosecution prior to court filing. Most of the cases filed are filed as felonies.

If charges are approved the police initiate the charging process by filing a "complaint for a preliminary hearing" in the municipal division of the circuit court. Narcotics cases are filed directly in municipal court by the police without being screened by the state's attorney's office. Preliminary hearings typically occur the day after an arrest.

Police usually have witnesses available at the preliminary hearing courtroom the morning after the suspect is arrested. The prosecutor's intention is to proceed with the case that day by working out a plea or establishing probable cause through a preliminary or grand jury hearing. Most plea offers at this point involve sentences of probation, but the pleas are to felonies. Office policy does not allow reductions to misdemeanors. Preliminary hearing judges may take felony pleas and decide sentences for those cases. Technically, however, an information is still filed with the criminal division and the case is recorded as a criminal division disposition.

A number of dismissals and nolles also occur at the preliminary hearing. Many of these are cases in which the victim decides not to pursue prosecution or in which witnesses fail to appear. Cases not dismissed or settled by plea at the preliminary hearing are carried forward to the criminal division. About 60 to 70% of the felony cases initially filed are disposed in the criminal division, including pleas taken at preliminary hearing.

The state's attorney uses both preliminary hearings and grand jury indictments to move cases to the felony trial stage. The majority of the cases carried forward result from findings of probable cause at the preliminary hearing. The state's attorney has 30 days from arrest to obtain an indictment or file an information if the defendant is in custody, 60 days if the defendant is on release.

After a finding of probable cause or an indictment, cases are scheduled for arraignment in 3 weeks before the criminal division arraignment judge, who simultaneously assigns cases to trial judges. Typically, a first appearance (first call) before the criminal division trial judge also occurs the same day as arraignment. At first call discovery dates are set and the defense may ask for a bond review. At this point trial assistants have not yet received the case files so discussions of substantive matters are not common.

Once cases are assigned to judges the prosecutor's case files are sent to the attorneys working with the assigned judge. The most senior of the three assistants, called the first chair, is responsible for all cases in that courtroom and for case assignments. Early in the case the assistant assigned to that case prepares an answer to the defense motion for discovery, to be presented at the second criminal court appearance. At the second appearance the case is continued for the defense to answer the prosecutor's discovery motion. By the third appearance most routine felonies are ready for trial. For more complex and serious cases dates may be set at the third appearance for motions. Immediately after the motions hearing the case will go to trial or a trial date will be set, depending on the practices of the judge. About 88 to 90% of the trials are bench trials.

Office policy regarding plea negotiations is that the defense should usually initiate the discussions. The substance of plea offers is the sentence recommendation. Assistants are not allowed to reduce charges without a supervisor's approval; however, they have discretion within the statutes on sentence recommendations.

Judges vary in the extent to which they actively participate in the plea negotiation process. Some only want to be informed of agreements after they have been worked out by the prosecutor and the defense; others are willing to discuss sentences directly with defense attorneys.

Virtually all judges participate in plea conferences, in accordance with Illinois Supreme Court Rule 402. In essence, Rule 402 states that if the defense and prosecutor are not in agreement, but the difference is not "substantial," the defense may ask for a conference with the judge. At the conference the judge basically mediates between the prosecutor and the defense. The judge may side with the prosecutor or with the defense or make a new offer, but all have to agree. When the prosecutor disagrees with the judge's decision that fact goes on the record, and the judge is supposed to order a presentence investigation report if the sentence is below the prosecutor's offer. If the defendant rejects the judge's decision, he or she goes to trial before that judge. The defendant does not have the right to an automatic substitution of the trial judge, but always has the right to show cause as to why a new trial judge is necessary.

Columbus, Ohio (Franklin County)

Prosecuting attorney's office

The Franklin County prosecuting attorney's office has jurisdiction over all felonies arising within the county. The office also processes civil matters and juvenile cases. All misdemeanors are handled by city prosecutors. The Columbus city police department accounts for about 90% of the felony arrests presented.

About 50 attorneys staff the office, which is divided into a criminal division, which comprises a grand jury intake section staffed by 8 attorneys and a trial section with 21 attorneys, an appeals division staffed by 4 attorneys, a juvenile division with 10, and a civil division with 7 attorneys.

Most felony cases are prosecuted horizontally. In rare instances cases are prosecuted vertically following indictment.

Court system

Franklin County has two separate court systems. The municipal court handles all misdemeanors, traffic offenses, civil cases under $10,000, and felony arrests and summonses through preliminary hearing. The court is staffed by 14 judges, 1 of whom conducts daily preliminary hearings for felony defendants in custody and 1 of whom conducts hearings for released persons.

The court of common pleas handles all felonies after indictment, civil cases in excess of $10,000, juvenile and domestic matters, and probate cases. Fourteen of the common pleas judges handle combined criminal and civil caseloads. At any one time six judges are available to handle criminal cases and eight are available to handle civil matters. Criminal arraignments are handled on a rotating basis.

Felony case processing—arrest through sentencing

About half of the felonies presented to the prosecuting attorney's office are first processed through the municipal court. These cases originate as felony arrests or summonses. In some instances police make felony arrests and file complaints directly with the municipal court. They are responsible for determining whether the arrests will be filed as felonies or misdemeanors. In other instances a victim's complaint to the police or the court results in the issuance of a felony summons. Summonses are typically reserved for nonviolent crimes and/or defendants with minimal records of criminal activity.

The other half of the office's cases originate as police requests to bypass the municipal court system and proceed directly to the grand jury. In these cases police present felonies directly to attorneys in the grand jury intake section. Direct indictments are usually requested in serious felony cases, and individual attorneys decide which cases to file directly.

All summons and arrest cases are scheduled for an initial appearance in municipal court. At initial appearance, which in arrest cases is held within 48 hours of arrest, the defendant is advised of the charges against him or her, bond is reviewed, and counsel is assigned.

Preliminary hearings are scheduled within 10 days of the initial appearance for persons in custody and within 15 days of the initial appearance for released defendants. One attorney from the grand jury intake section is present in each of the preliminary hearing courtrooms. On the morning of the preliminary hearing, the attorneys receive the police reports for the cases scheduled for hearing. They are authorized to dismiss cases, handle waivers and bindovers, and negotiate pleas. Only pleas to misdemeanors may be entered in municipal court, however, and it is rare for felonies to be pled as misdemeanors at this point.

In theory the preliminary hearing is a mini-trial at which the facts of the case are reviewed and witnesses are questioned. In practice preliminary hearings are rarely held. Generally, either prosecutors dismiss cases in the municipal court and file them directly with the grand jury or defendants waive their right to a preliminary hearing and their cases are bound over to the grand jury. A small portion of cases are diverted out of the system at, or immediately following, preliminary hearing. Typically, diverted cases involve first-time, nonviolent, adult offenders. The charges against these defendants are dismissed if they successfully complete an 18-month diversion program.

All cases must be reviewed by the grand jury before action in the court of common pleas. One attorney from the grand jury intake section appears before the grand jury each day. The attorney presents each case, verifies, signs, and files the true bills, and oversees the issuance of subpoenas and warrants. Cases that have been brought to the prosecuting attorney's office for direct indictment and approved by one of the attorneys in the grand jury intake section are presented at this point. Cases that have been bound over by the municipal court or dismissed in the municipal court pending filing with the grand jury are also presented by the attorney assigned to the grand jury.

Felony arraignment in the court of common pleas follows the filing of an indictment. The release status of the defendant usually determines when a case will be scheduled for arraignment--detained persons receive earlier dates than released defendants. A prosecutor from the trial section is present at arraignment. The defendant is served a copy of the indictment, informed of the charges against him or her, and questioned regarding the availability of counsel. Because about half of all indicted cases are the result of direct indictments, many defendants do not have counsel when they first appear in common pleas court. No pleas are accepted at arraignment because only trial judges may accept pleas.

After arraignment a judge is assigned randomly by the assignment commissioner in common pleas court. Common pleas judges manage their own calendars, but they are very mindful of Ohio's speedy trial statute, which allows only 90 calendar days from arrest to trial for persons in custody and 270 days for released persons.

Following the court's determination of a trial date, the assistant prosecuting attorney in charge of the trial section makes trial assignments on the basis of the availability of assistants and the complexity of the case. Cases involving homicide, rape, or the sexual abuse of a child take precedence over all others. Such cases are often assigned to one assistant for vertical prosecution through trial and sentencing.

Since pleas are not accepted at arraignment, pretrial conferences are not held routinely and all pleas in common pleas court are entered either on the first day of trial or later. Generally, on the morning of trial individual trial attorneys discuss pleas informally with defense counsel. There is no formal office policy regarding plea negotiation; each attorney makes his or her own decisions. Informal policy, however, requires that negotiations not result in a less severe penalty than would have resulted at trial. Discussions center first on the nature of the charges and then on sentencing recommendations. Most of the time sentence agreements are discussed with the judge in chambers, and the plea agreed to there is formalized in court.

Staff attorneys of the prosecuting attorney's office are present at sentencing hearings. However, because the probation department's presentence reports are comprehensive, the prosecuting attorney rarely is requested to make a statement to the court.

Dallas, Texas (Dallas County)

District attorney's office

The Dallas County district attorney has jurisdiction over all felonies, misdemeanors, juvenile offenses, and child-support cases occurring in the county.

The Dallas city police department accounts for about 80% of the office's annual caseload, and about 30 other law enforcement agencies present the rest. The Dallas police department routinely screens all felony arrests, which reduces the number of cases presented by the department by about 10%.

The district attorney's office employs about 170 attorneys. Felony arrests are handled horizontally by 3 divisions: intake (10 attorneys), grand jury (9 attorneys), and felony trial (70 attorneys). Felony trial attorneys assigned to the specialized crime unit, however, handle cases vertically after intake. Fifty attorneys handle misdemeanor cases in the district court.

At intake cases are assigned circuit (felony) court docket numbers and are provisionally assigned randomly to 1 of 14 circuit court judges. Three felony trial attorneys, including a supervisor known as the chief of the court, are assigned to work with each judge and handle the cases designated for that judge after indictment. Several other attorneys supervise the three-attorney teams.

Court system

Dallas County has a two-tiered court structure. The district (lower) court handles misdemeanors and initial appearances in felony cases. The district court system has 2 types of officers: magistrates, who handle initial arraignments and bond settings for felony cases, and judges, who dispose of misdemeanor arrests in the 10 district courts.

The circuit (felony) court handles only criminal matters. Cases are sent to the circuit court after a grand jury indictment. There are 14 full-time circuit court judges, who are elected every 4 years. Felony cases are randomly assigned to the judges, who operate individual calendars.

Felony case processing--arrest through sentencing

Defendants arrested for a felony offense are booked at the county jail and appear before a magistrate in district court shortly after arrest for arraignment. At arraignment the defendant is formally notified of the police charges, a warrant is issued, and bond is set. For defendants who were unable to make bond at the initial arraignment, an "examining trial" occurs the following day in district court to determine if probable cause exists to hold the defendant. Both of these appearances typically occur before cases

are presented to the district attorney. Cases usually reach the intake division of the district attorney's office 3 or 4 days after arrest. In the intake division cases are given a brief review (arrest reports are checked for completeness and accuracy). Cases are then sent to the grand jury division. Virtually all felony arrests are presented to the grand jury.

The first substantive screening of cases is done by an assistant assigned to the grand jury division. The grand jury proceeding is used to weed out nonconvictable cases prior to the filing of formal charges. The grand jury declines to indict about 25 to 30% of the cases presented and, therefore, is an effective screening tool for the district attorney. Most cases are presented to the grand jury within 2 to 3 weeks of arrest.

Indicted cases are formally assigned to a circuit court judge and case files are sent to the three-attorney trial team that works with the designated judge. The most experienced member of the trial team, the chief of the court, is responsible for case assignment within the team.

The first appearance of the defendant in circuit court is the "first setting." The first setting occurs 2 to 3 weeks after indictment and is substantively a pretrial conference, at which the prosecution presents a plea offer to the defense. At the "second setting," called an announcement setting, accepted pleas are entered on the record. Pleas are occasionally entered at the "third setting," which is a bench or jury trial.

Due to a bifurcated trial system, a defendant who requests a jury trial must state prior to the trial whether the judge or the jury will impose the sentence if a guilty verdict is returned. When the jury imposes the sentence, it hears recommendations from the prosecutor and defense, whereas the judge hears recommendations from the prosecutor only.

Plea offers focus primarily on the prosecutor's sentence recommendation. Supervisors must review all plea offers and attorneys must prepare written summaries of the negotiations for cases disposed by pleas. Judges typically do not participate in plea discussions and accept the prosecutor's recommendation.

Detroit, Michigan (Wayne County)

County prosecutor's office

The Wayne County prosecutor's office has jurisdiction over all adult criminal cases arising within the county. The office also handles juvenile cases and some civil matters for the county. The majority of felony arrests presented for prosecution originate in Detroit with the Detroit city police.

The Wayne County prosecutor's office employs about 140 attorneys; most work in the Detroit office. About 10 attorneys in the "out county" offices are responsible for criminal cases within the county but outside Detroit. The remainder of this description refers primarily to the processing of felony arrests in the city of Detroit.

Attorneys are assigned to one of four divisions: screening and district court, trials and dispositions, special services, and research, training, and appeals. The screening and district court division and the trials and dispositions division handle most of the adult criminal cases.

The 30 attorneys in the screening and district court division handle the following assignments: warrants and case screening, preliminary examinations, traffic cases, misdemeanor trials, and pretrial diversion.

Most of the 54 attorneys in the trials and dispositions division are felony trial attorneys who work in the felony trial court. Five are designated as docket attorneys, one for each floor of the courthouse on which there are felony courtrooms. They are experienced trial attorneys and supervise five to seven other trial attorneys assigned to each of the five floors. Assignments to courtrooms rotate every 4 months. Other attorneys in the trials and dispositions division are assigned to the repeat offender bureau, and four to five attorneys handle special assignments on a rotating basis.

Prosecution of felony cases before bindover is horizontal; after bindover, prosecution is vertical.

Court system

Wayne County has a two-tiered court structure: the district (lower) court and the circuit (felony trial) court. Physically separate courts process cases arising in Detroit and in areas in the county outside the city. In the city of Detroit the circuit court is called the recorder's court.

In Detroit the district court hears misdemeanors and some traffic offenses and holds felony arraignments and preliminary examinations. Six or seven judges handle the arraignments and preliminary examinations. The recorder's court is responsible for the disposition of felony cases after bindover at the preliminary hearing.

There are 29 recorder's court judges. An executive judge, four or five other judges, and a docket clerk are located on each of the five floors of the courthouse on which felony courtrooms are located. Executive judges preside over the arraignment on the information, take pleas, hear some motions, assign cases to the other judges for trial, and sometimes conduct bench trials. The other judges preside over all jury trials.

Flow of felony cases—arrest through sentencing

When the police arrest a defendant for a felony, the arresting officer submits an arrest report to a police department investigator, who conducts additional interviews and decides whether the evidence is sufficient to present the arrest to the prosecutor. If the investigator decides to send the case to the prosecutor, he submits the arrest report to a court officer, a police officer who acts as liaison between police and prosecutor. Accompanied by the complainant or victim, the court officer meets with a prosecutor in

the warrant section of the county prosecutor's office to review the case, usually within 24 hours of arrest.

The warrant section may issue a felony or misdemeanor warrant, refuse the case, divert the case, or adjourn the case for additional investigation. About 10% of the cases are refused.

If a warrant is issued, the court officer takes it to the district court, where a judge signs it, making the arrest official. If the defendant is in custody, arraignment on the warrant occurs almost immediately unless the case has been referred for diversion. At the arraignment the accused is formally charged, an attorney is appointed if needed, and the preliminary examination is scheduled (usually within 10 days).

If probable cause is found at the preliminary examination, the case is bound over to the recorder's court for felony prosecution. Typically, 85% of the cases filed as felonies are bound over. Bound-over cases are randomly assigned to one of the five executive judges. The docket attorney who works with that judge reviews the case, makes a plea decision, and assigns a trial attorney to the case.

The first appearance in recorder's court, the arraignment on the information (actually a pretrial conference), occurs about 1 week after the preliminary hearing if the defendant is in custody, about 2 weeks otherwise. At this appearance the final conference and trial dates are set. Motions may be heard until the final conference, which is usually scheduled about 30 days after arraignment on the information.

Most defendants who go to trial waive their right to a jury trial in favor of a bench trial. Bench trials are presided over by executive judges, who are regarded as more lenient than trial judges. If the defendant is convicted at trial, a presentence investigation report is prepared, and the defendant appears before the judge for sentencing. The judge is bound to follow sentencing guidelines mandated by the Michigan Supreme Court. When a case is settled through a plea of guilty, the same sentencing procedure applies.

Plea offers are extended to the defense attorney at the arraignment on the information and expire on the day of the final conference. Subsequent pleas must be to the count originally charged. Only the five docket attorneys are authorized to make or change plea offers. All plea offers are based on written office policies and involve only the reduction or dismissal of charges.

Under Michigan law, those convicted of committing a felony while armed are subject to a mandatory sentence. No plea offers are extended to defendants who commit such crimes. Office policy further prohibits charge reductions for certain other felonies, such as murders and drug offenses, and sets the minimum that can be offered on still others.

El Paso, Texas (34th Judicial District)

District attorney's office

The district attorney for the 34th Judicial District prosecutes all adult felony arrests occurring within the district, an area encompassing the counties of Culverson, Hudspeth, and El Paso. The office is also responsible for all child-protection (civil) cases within the three counties. Virtually all felony arrests are presented by the El Paso police department; local sheriffs, campus police, and private security forces present the remainder. Police present all misdemeanor and lesser offenses to the county attorneys for prosecution.

The office employs about 25 full-time attorneys. The bulk of criminal cases are handled by trial attorneys (1 for each of the 11 courts) and screening (1), criminal master court (1), appeals (2), and grand jury (1) attorneys. The office also has a number of special prosecution units that handle drug offenses, official misconduct, and organized crime (one attorney); felony traffic offenses (one attorney); child abuse/sexual assault (two attorneys); child protection (two attorneys); and homicide (two attorneys).

Cases are assigned randomly to the 11 district court judges. Attorneys are then assigned to cases. Court-assigned attorneys are responsible for all routine prosecutions and receive cases on the basis of the court to which a case is assigned after grand jury indictment. Attorneys in special prosecution sections assume responsibility for only special cases and do so from the point of screening. In the event there is an overload of special cases, regular attorneys take them in accord with court assignment.

Court system

All felony criminal matters are handled by the 11 courts (actually 11 courtrooms) serving the 34th Judicial District. The courts hear all juvenile matters and have original jurisdiction in all felonies, misdemeanors involving official misconduct, divorce cases, and civil actions involving $500 or more.

Each court is presided over by a judge, who is subject to popular election every 4 years. Although the 11 judges handle all kinds of cases, 1 handles mostly juvenile cases, 1 mostly adult criminal, and 1 mostly child-protection cases. Judges operate under a system of individual calendaring. There are no statutory mandates for case-processing time and judges set their own dockets, restricted only by constitutional speedy trial requirements.

In addition to the 11 trial courts, there is a criminal master court. This court, presided over by a local attorney appointed by the district judges, hears certain guilty pleas (non-capital), bond hearings, revocation hearings, and discovery proceedings.

Misdemeanor and lesser offenses are adjudicated by county courts at law. Each county has its own county courts. In El Paso County five judges preside.

Felony case processing—arrest through sentencing

Bond is usually set within a few hours of arrest and most defendants appear for bond hearings in the criminal master court a few days later. The hearing, attended by the assistant district attorney assigned to criminal master court, usually occurs before the police submit the case to the screening attorney. On average, cases are brought to the screening unit within 12 days of arrest. Any special prosecution cases are submitted immediately to the appropriate unit, where they are screened and prosecuted vertically, if not declined. All regular cases are screened by the screening attorney and are declined outright, resubmitted to the arresting agency for further investigation, declined and referred to the county attorney for prosecution as a misdemeanor, or accepted for prosecution.

Close to half of the felony arrests presented are rejected outright, about 40% are accepted for felony prosecution, approximately 10% are referred for misdemeanor prosecution, and a small number are returned for further investigation.

The district attorney must indict or otherwise process within 90 days of arrest any defendant detained in jail. To avoid the release of detained defendants on personal recognizance bond, the office sends letters to arresting agencies 20 days after an arrest and weekly thereafter to inquire about the status of cases not yet received for screening.

The great majority of accepted cases are taken within about 1 week to one of the two sitting grand juries for indictment. Either the special unit prosecutor assigned to the case or the grand jury attorney presents the case. For a small portion of cases--those involving first-time offenders committing third-degree felonies--the indictment requirement is waived, and pleas are entered on the basis of the charges filed in the complaint and information. Both the State and the defendant must consent to the plea.

About 1 week after indictment defendants are arraigned before a judge and advised of the charges they face. At this point they indicate if they are going to plead guilty or proceed to trial. Also at this time the defendant has the right to request that the probation department prepare a presentence investigation report. The report contains a sentence recommendation, which the judge will take into consideration if the defendant pleads guilty or is found guilty at trial.

Most trials are by jury. Due to a bifurcated trial system, the defendant can elect prior to jury selection to have either the jury or the judge hand down the sentence upon a guilty finding. If the defendant has a prior conviction, the jury cannot sentence to probation, whereas the judge can.

The office observes a strict policy of not participating in plea bargains. Sentence recommendations are the primary focus of offers, and the office has strict sentence minimums below which no recommendations may be made. The office communicates its sentence recommendations at pretrial conference, on record at the time of plea, or during oral arguments for cases convicted at trial. The office has relatively little influence over sentence outcomes in bench trials. The judge, informed by the probation department's rating in the presentence report, determines the sentence.

Geneva, Illinois (Kane County)

State's attorney's office

The state's attorney for Kane County has jurisdiction over all criminal, civil, juvenile, and traffic cases arising in the county. In addition, several municipalities contract with the office for the prosecution of violations of city ordinances.

Seventeen police departments present felony and misdemeanor arrests to the state's attorney annually. The Aurora and Elgin police departments bring most of the arrests.

The state's attorney maintains offices in 3 cities (Aurora, Elgin, and Geneva) and a staff of 20 assistant state's attorneys. Seven attorneys prosecute felonies, and eight handle misdemeanors and traffic offenses. Others prosecute civil and juvenile cases. All felony attorneys and experienced misdemeanor attorneys screen cases. The office does not have special prosecution teams. Prosecution in both the lower and the felony court is vertical after preliminary hearing. One attorney handles all preliminary hearings for felonies.

Court system

Kane County is served by the 16th Judicial Circuit Court of Illinois, which also serves part of De Kalb and Kendall counties. Associate circuit (lower) court judges handle misdemeanors, small claims, child-support, and divorce cases. They are also responsible for initial felony appearances--bond, status, and preliminary hearings. One associate circuit court judge has the authority to hear felony pleas. Ten associate circuit court judges are assigned to Kane County.

The circuit (felony) court hears felony cases after bindover at a preliminary hearing. Eight circuit court judges are assigned to Kane County; two of the three judges who hear misdemeanors handle felony preliminary hearings and another two hear felony cases after the preliminary hearing. Judges maintain individual calendars and hear all events associated with their respective cases. Cases are assigned to the two felony judges on an odd/even basis.

Felony case processing—arrest through sentencing

The state's attorney's office reviews all arrests, which may be brought by either the arresting officer or a detective. An attorney must authorize the charges before they are filed in court. A clerk from the state's attorney's office is at the jail and prepares an information based on the authorized charges.

Within 24 hours of arrest the information is issued and a bond call is held before an associate circuit court judge in the Aurora, Elgin, or Geneva jail. During bond call, bail is set and the defendant is advised of the charges and of his or her rights.

The defendant's second appearance before a judge occurs in the associate circuit court in Geneva, about 10 to 14 days after bond call. At that event, called the first status date, charges are read again and counsel is appointed if needed.

A second status date is usually held. Those who plead guilty at that time are sentenced immediately by the associate circuit court judge who took the plea. Pleas at this point may be to misdemeanors or felonies. Of those who do not plead guilty, half waive the preliminary hearing (usually scheduled 1 week after the second status date) and their cases proceed to circuit court, as do cases in which probable cause is found at the preliminary hearing.

Two weeks after the preliminary hearing the first of two or three pretrial conferences is scheduled in circuit court. If a plea is entered at one of these conferences, the defendant is sentenced the same day. Of the relatively few defendants who do not plead guilty, most request jury trials.

Defendants receive the best plea offer prior to the preliminary hearing. Thereafter, offers become more stringent. Plea bargains may involve charges (dropped or reduced), place of incarceration, or more commonly, length of sentence.

Judges do not participate in plea bargaining at the associate circuit court level. They merely accept the prosecutor's recommendation. In circuit court the judge may participate, although negotiations usually involve attorneys only. About 90% of the resulting plea bargains are accepted by circuit court judges.

Defendants who are found guilty at trial or who plead guilty without accepting a plea offer are sentenced 4 to 6 weeks later, following a presentence investigation.

Indianapolis, Indiana (Marion County)

Prosecuting attorney's office

The prosecuting attorney of Marion County has jurisdiction over all felony and misdemeanor arrests, traffic offenses, and juvenile and family-support cases. Since January 1, 1970, when suburban areas were incorporated into the city, Marion County and the city of Indianapolis cover an identical geographic area. Several police departments--including those serving areas that were formerly independent cities, including the original city of Indianapolis--present felony and misdemeanor arrests to the prosecuting attorney. The Indianapolis police and the county sheriff's department account for the vast majority of arrests.

The prosecuting attorney's office employs 72 attorneys (some part-time). All felony and misdemeanor cases are handled in one of two divisions: the criminal (felony) court division or municipal (lower) court division. The criminal division employs the majority of attorneys; about five attorneys are assigned to each of six divisions--one for each criminal court judge. In addition, two attorneys are assigned to the grand jury section, five to screening, seven to child-support cases, and six to juvenile matters. Seven attorneys deal exclusively with sex cases, and seven handle narcotics cases. Most attorneys, however, hold more than one assignment. Prosecution in the criminal division is vertical after screening. Case assignment is based on the random assignment of cases to criminal court judges.

The municipal court division has two sections: the D-felony (least serious felonies) section, which consists of 9 attorneys, who work with both of the 2 D-felony judges, and the 1[illegible] attorney misdemeanor section, which works with the 6 misdemeanor judges. Case processing in the misdemeanor section is horizontal, and attorneys are assigned to judges by session, not by case. Each judge holds 10 sessions weekly, during which attorneys are responsible for whatever cases and matters arise (e.g., initial appearances, pleas, trials). All D felonies are assigned on a random basis; attorneys receive cases on the basis of assignment numbers and courts receive cases in random lots. The D felonies are prosecuted vertically after screening.

Court system

Marion County is served by a two-tiered court system encompassing both civil and criminal jurisdiction. In the municipal (lower) court, 9 of 17 judges staff a criminal division and dispose of D felonies, misdemeanors, and traffic cases. Two judges handle all D felonies.

In the superior (felony) court, 6 of 15 judges are assigned to the criminal division (locally referred to as the criminal court). The criminal court handles class A, B, and C felonies, which are filed directly with the criminal court. Cases are assigned to individual judges on a random basis immediately after screening by the prosecuting attorney's office.

Judges in both courts operate individual calendars and hear all matters from first appearance to trial.

Felony case processing--arrest through sentencing

Felonies are presented to the prosecuting attorney's office for screening shortly after arrest. By law the prosecutor's charge must be filed "promptly," interpreted locally as within 24 hours, although statutes permit a filing delay of up to 72 hours under some circumstances.

Cases are usually brought to screening attorneys by detectives, who submit an arrest form stating the charge, the location and time of the crime, and information about the defendant(s), victim(s), and any witnesses. Screening attorneys, who generally are of senior status, encourage detectives to determine how cooperative witnesses will be prior to presenting a case and to interview defendants to obtain their side of the story.

Screening attorneys reject approximately a third of all felony arrests presented and another quarter are referred for prosecution as misdemeanors. The remainder are filed (through an information) as class A, B, or C felonies in the criminal court or as class D felonies in the municipal court.

For A, B, and C felonies the first appearance in criminal court occurs the day after filing. At first appearance defendants are informed of the charge and the finding of probable cause (a matter of paper work, completed prior to first appearance), advised of their rights, and assigned public defenders if needed. Also at this point preliminary pleas of not guilty are entered for defendants (most have not yet had an opportunity to talk with a lawyer), and a date is set for a pretrial conference. Some judges also set the trial date, which must be within 140 days of the first appearance. Defendants may also request a review of their bond status (initial bond is set by a commissioner at the jail).

In the criminal court division, attorneys usually receive cases prior to first appearance. Initial proceedings (first appearance, bond review, and voluntary discovery) are completed within 7 to 14 days.

The attorney handling the case decides on a plea offer and communicates it to the defense attorney well before the pretrial conference. The office's plea policy is to pursue the most serious charge but to permit dismissal of lesser included charges in the information. The agreement does not usually involve a sentence recommendation. According to statute a formal plea agreement must eventually be drafted by the prosecutor and signed by both the prosecutor and defense attorney; the victim must also be notified of the agreement. Supervisory review of recommendations is not required except for special cases; general policy directives guide all other recommendations.

Judges never enter into substantive discussions relating to plea negotiations. Nor do they indicate the sentence they will impose. Thus, the plea agreement is between the prosecutor and the defense counsel. By law the judge must accept or reject the agreement and, if accepted, execute it as written, even if it contains a sentence agreement (subject to the outcome of a presentence investigation report). Sentencing for cases convicted by plea or trial occurs after the preparation of a presentence investigation report. Sentences are determinate for a given crime but variations are allowed for specific aggravating or mitigating circumstances.

Procedures for the screening, filing, and first appearance of D-felony cases in municipal court are essentially the same as for those cases processed in criminal court. About 3 weeks after first appearance a pretrial conference is held, at which time a prosecutor quickly reviews the case file and decides whether to make a plea offer. Office plea policy, the role of the judge, statutory requirements regarding pleas, and sentencing procedures are the same as those relating to A, B, and C felonies in superior court.

Lincoln, Nebraska (Lancaster County)

County attorney's office

The county attorney has jurisdiction over all adult and juvenile criminal cases arising in Lancaster County. The office prosecutes any misdemeanors from the towns in the county, as well as those misdemeanors originating in Lincoln that are not duplicated in comprehensive municipal ordinances. Violations of Lincoln municipal ordinances, which carry penalties of up to 6 months in jail, are prosecuted by the city attorney.

The Lincoln police department, one of the four agencies presenting arrests to the county attorney, brings the majority of complaints. Police determine at the time of arrest if the case should be brought to the city or county prosecutor.

Nineteen attorneys work in the office. Assignments are made on the basis of the type of crime committed as opposed to felony or misdemeanor categorizations. As a general rule the attorneys prosecute only felonies, and 10 student members of a law clinic, under the supervision of an attorney, prosecute the bulk of the misdemeanors. Three attorneys prosecute violent crimes, three prosecute property crimes, two handle forgery/fraud cases, two are in charge of narcotics cases, and one handles white collar crime. Other assignments include traffic, bad check, juvenile, and child-support cases. Two deputy attorneys are cross-designated as assistant U.S. attorneys to prosecute drug cases in Federal court. Prosecution is vertical.

Court system

The lower court of the two-tiered judicial system is the county court, where misdemeanors and initial felony proceedings are handled. There are five county court judges.

The six judges in district (felony) court are assigned to courtrooms on a yearly basis. Two of the courtrooms are reserved for criminal cases, three for civil cases (including probate), and one for traffic and drunk driving cases. The county clerk assigns all cases. Criminal cases with even-numbered dockets are assigned to one of the criminal courtrooms, and odd-numbered cases to the other.

One judge presides over the cases in juvenile court.

Felony case processing—arrest through sentencing

Police department complaints are usually brought to the county attorney's office the day after arrests are made. The chief deputy is responsible for assigning the cases on the basis of the type of crime that was committed and the specializations of the deputy attorneys. The attorney assigned to the case reviews the police charges and determines the charges, if any, to be filed. Attorneys usually inform the chief deputy when they decide not to file cases. The attorney must file a case with the clerk's office by 2:00 p.m., at which time initial appearance is held. The filing attorney handles all subsequent proceedings.

At initial appearance the defendant is brought to county court, the charges are read, bond is set, and based on an interview conducted by the judge, defense counsel may be appointed.

After initial appearance in county court the defendant may be notified of eligibility for pretrial diversion and instructed to make an appointment with a diversion counselor. The program is open to defendants who have no prior record and who are charged with nonviolent crimes. The program could consist of restitution, community service, or rehabilitative counseling, depending on the crime. Generally, a defendant is no longer eligible for the program after the case has been bound over.

A docket call is held on the Monday following initial appearance. Defense counsel appears to inform the court if the defendant is going to waive the preliminary hearing in order to proceed directly to district court. The defense will frequently waive the preliminary hearing in exchange for police reports and reciprocal discovery.

If the defendant opts for a preliminary hearing, it occurs within 2 to 4 weeks of docket call. The defendant may still waive the hearing on the day it is supposed to occur. Preliminary hearings are used to determine if there is probable cause to bind over the case to district court. The hearings are often simulated trials, at which the State presents considerable evidence. About 65% of the cases are bound over.

Arraignments in district court, which are scheduled for Wednesdays, take place about 3 weeks after a probable cause determination or preliminary hearing waiver. The charges in the information are read and the defendant almost always responds by pleading not guilty. Occasionally, a bond review will take place.

After a case is bound over at preliminary hearing but before arraignment, the defense often files a plea in abatement, alleging that there was insufficient evidence to bind over the case to district court. At a hearing a district court judge reviews the probable cause finding, and if the lower court decision is upheld the case proceeds to arraignment.

After arraignment the case is put on the next jury list. There are 10 jury terms (2 weeks) a year. About 10 days before the jury session a district court docket call occurs, at which the defendant indicates if a guilty plea will be entered or if the case will proceed to trial. If the defendant is going to plead guilty, a date is set within about a week for entry of the plea. If the defendant opts for a trial, the judge indicates whether the case is likely to be heard at the impending session, which depends on the age of the case. Most trials are by jury. Although every case is included on the jury list, about 50 cases are disposed during a 2-week term, in the order of oldest case first. In accordance with the speedy trial rule, cases are disposed within 6 months of arraignment in district court.

Motions are filed between arraignment and the time of trial. Although plea negotiations can be initiated by either party at any point in the process, they usually occur after arraignment. About 60% of the cases are guilty pleas and all negotiations revolve around the charge. The office's plea policy manual contains explicit guidelines for all prosecutors conducting plea negotiations. In general, the prosecutor cannot agree to reduce the charge by more than two degrees without obtaining approval from either the county attorney or the chief deputy. Prosecutors are also required to apprise victims of the plea status. The chief deputy periodically reviews cases disposed to verify that the guidelines are being followed. Generally, judges do not take an active role in plea negotiations.

Once a guilty plea or conviction is entered, the judge orders a presentence investigation. Within 60 to 90 days the probation department completes the report, which includes a sentence recommendation. Judges have no sentencing guidelines aside from statutory requirements. At sentencing prosecutors might discuss the severity of the crime or clarify a misleading representation made by defense, but they do not make a sentence recommendation.

Littleton, Colorado
(18th Judicial District)

District attorney's office

The district attorney for the 18th Judicial District has jurisdiction over misdemeanors, felonies, traffic violations, juvenile matters, non-support cases, public nuisance abatements, and contraband forfeitures. The counties in the district attorney's jurisdiction are Arapahoe, Douglas, Elbert, and Lincoln. Approximately 20 law enforcement agencies bring cases to the district attorney's office. The Aurora city police department generates almost half the caseload.

The district attorney's staff includes about 35 attorneys, victim/witness assistants, 11 investigators, a complaint officer, and support staff, including several interns. About 16 attorneys are assigned to the county (lower) court section and 19 to the district (felony) court section. Several interns are assigned to the county court section, and under Colorado law they may act as prosecutors, under the supervision of a deputy district attorney. Only experienced attorneys in the office handle district court cases.

Prosecution of felonies proceeds mostly on a vertical basis; attorneys are assigned to a particular case after filing and are responsible for all subsequent proceedings. However, another deputy may be assigned to handle the preliminary hearing and matters of course (advisements, bond settings, etc.) in the county court if scheduling conflicts arise. Deputies also review filing decisions on a rotating basis for 6-month periods.

The chronic offender program (COP) is a newly instituted program designed to deal with criminal defendants with a history of felonies involving burglary or violence. Special consideration is also given to individuals with extensive juvenile records for violent crimes. One experienced deputy is responsible for the prosecution of the cases assigned to the program.

Court system

The county court, the lower court of the two-tiered court system, handles traffic offenses, civil matters under $5,000, misdemeanors, initial felony advisements, and felony preliminary hearings. County court judges have authority to issue arrest and search warrants upon affidavit. The court's six full-time judges devote most of their time to traffic and misdemeanor matters. However, each judge completes a 1-week civil rotation and a 1-week felony rotation every 6 weeks. Two referees hear traffic infractions and some civil cases.

The district (felony) court exercises jurisdiction over public nuisance abatements, juvenile cases, felonies, and civil matters involving $5,000 or more. Contraband forfeitures, which are treated as civil matters, are also within the district court's jurisdiction regardless of the value of the property sought for forfeiture. In addition, the district court serves as the reviewing court for appeals from the county and municipal courts. Five of the eight judges hear civil matters and criminal cases, and two judges hear criminal cases exclusively. One judge hears both adult and juvenile cases. Two referees share the rest of the juvenile caseload. Additionally, visiting judges hear adult criminal cases on an as-needed basis. Judges operate individual calendars.

Felony cases may be filed through a felony complaint in the county court or by a direct information in the district court. By local rule, however, only class 1 felonies (e.g., first-degree murder, kidnaping involving bodily injury or death) are filed by information in the district court.

Felony case processing—arrest through sentencing

Police may release arrestees prior to advisement in county court. Those who are released are scheduled to appear for advisement within 1 week of arrest. Those not released usually appear in court the next working day.

At advisement, arrestees are informed of their rights and the nature of the police charges, bail is set, and a return date is set for within 3 working days for first appearance in county court.

After advisement and prior to first appearance, cases are screened in the prosecutor's office by the complaint officer, a former police officer. Detectives from the various police agencies send the arresting officers' reports and any additional information to the complaint officer. Little prescreening is done by police. The filing decisions of the complaint officer are reviewed by a complaint deputy, who signs the charging documents. About 10% of felony arrests are rejected; the other 90% are filed in the county court, or the district court if the case is a class 1 felony.

At the first appearance in county court (or district court for class 1 felonies) defendants are advised of their rights and the formal charges in the felony complaint or information. (Formal advisement of the charges is sometimes waived.) Defense counsel is appointed if needed, and a preliminary hearing date is set. If the defendant is in custody, the judge is asked to hold an immediate, second hearing to set bond. A preliminary hearing must be held within 30 days of the request for the preliminary hearing unless the defendant waives the 30-day period.

If a plea agreement has been reached prior to the preliminary hearing, the parties appear on the hearing date, announce the agreement, and receive a date for a disposition/arraignment, at which time the defendant formally enters a guilty plea. If a plea agreement has not been reached, the parties attend the preliminary hearing, at which probable cause is determined and a date is set for disposition/arraignment.

On the disposition/arraignment date, which occurs about 1 month after the preliminary hearing if the defendant enters a plea of guilty, the judge schedules sentencing in about 6 weeks. For defendants who do not plead guilty, the judge sets four dates: a date by which all motions must be filed, motions hearing, pretrial conference, and trial.

During the motions hearing, testimony is taken, arguments are made, and previously filed motions are ruled on by the judge. At the pretrial conference, the judge determines whether discovery has been completed and whether both parties are ready for trial.

Defendants found guilty at trial are sentenced about 6 weeks after the judgment of conviction is entered on the guilty verdict. Both prosecutor and defense counsel outline their sentencing positions, which are taken into account by the judge. The judge is also guided by the presentence investigation report. A deferred-sentence procedure is available and used in appropriate cases. (On rare occasions a deferred prosecution is allowed by the prosecutor.)

Plea negotiations are usually initiated about a week before the preliminary hearing and are conducted informally. Judges are not directly involved. The bargaining usually involves charge reductions but may include sentence bargains. Plea bargaining occurs in all types of cases. Usually, offers are good until the preliminary hearing, unless defendants waive their right to a preliminary hearing, in which case offers are open until the disposition/arraignment date.

Depending on the outcome of the preliminary hearing or disposition/arraignment, new plea offers may be made or old ones accepted. Similarly, additional negotiations may take place following rulings on motions.

Deputies are not required to seek formal approval from a supervisor before settling routine cases. All attorneys seek approval from their supervisors on the disposition of cases of major concern to the office.

Los Angeles, California (Los Angeles County)

District attorney's office

The district attorney for Los Angeles County has jurisdiction over all felonies arising within the county. About half the misdemeanors are prosecuted by city attorneys. The district attorney handles those misdemeanors arising in unincorporated areas and in cities without city attorneys.

The Los Angeles police department and the Los Angeles County sheriff's department account for about 70% of the office's felony caseload. Not all felony arrests are presented to the district attorney. Police release some arrestees and refer others directly to city prosecutors for misdemeanor prosecution. The district attorney's office screens approximately 50% of all arrests made by the police.

The Los Angeles County district attorney's office is the largest prosecutor's office in the nation. More than 800 attorneys work in 23 offices around the county. By far the largest of the offices is the bureau of central operations, which has nearly 200 attorneys, most of whom are assigned to the complaints or trials unit.

The complaints unit of central operations is staffed by approximately 17 deputies. The trials unit has about 90 deputies, organized into trial teams of 3 attorneys each.

The bureau of branch and area operations is responsible for criminal prosecutions in the outlying parts of the county. Eight branch offices, each staffed by an average of 27 deputies, handle all phases of felony prosecution up to the appellate stage. In 14 area offices deputies conduct initial felony proceedings in municipal (lower) court; after bindover, cases are forwarded to either a branch office or the main office for disposition in the superior (felony) court.

The bureau of central operations is responsible for appeals and cases involving consumer fraud, juveniles, major fraud, hardcore gangs, and other special cases. In addition 10 deputies are assigned to the career criminal unit.

Most felony cases are prosecuted horizontally. In some of the special units prosecution is vertical.

Court system

Los Angeles County has two separate court systems. The municipal court handles civil cases under $25,000, traffic offenses, misdemeanors, and initial felony proceedings (initial appearance/arraignment and the preliminary hearing). Staffed by 165 judges and 65 commissioners, the municipal court is divided into 24 judicial districts, which are independent of each other and of the superior court of Los Angeles County.

Superior court handles civil cases involving $25,000 or more, juvenile cases, family matters, and felony bindovers. Superior court has 11 judicial districts, 216 judges, 55 commissioners, and 9 referees.

In downtown Los Angeles 14 municipal court judges handle felony cases during the day and 3 conduct preliminary hearings at night. One of the judges in the day court conducts arraignments and assigns cases for preliminary hearings before the other day and night court judges.

During the day in the downtown superior court, 25 judges handle felony cases after bindover. At night four superior court judges handle bindovers. Attorneys from the district attorney's bureau of central operations work in the downtown courts.

The remainder of this description refers to the handling of felony arrests in the bureau of central operations, which accounts for about 35% of the total office caseload.

Felony case processing—arrest through sentencing

After making an arrest, police review the case and decide whether to drop the arrest, present the arrest to the district attorney, or refer the case to a city prosecutor for misdemeanor prosecution. Slightly more than 50% of all felony arrests are presented to the district attorney.

Using a standardized bail schedule police release some arrestees at the station house. Those remaining in custody must have an appearance in municipal court within 2 court days.

Prior to the initial appearance in municipal court the detective responsible for reviewing the case presents it to one of the complaint unit prosecutors, who reviews the case with the police officer and decides whether to file charges in court. The office has clearly defined screening policies, which are patterned after the uniform crime charging guidelines developed by the California District Attorneys' Association.

The initial appearance is held in municipal court within 24 hours of filing for those in custody, and within a week for those on bail. The defendant is arraigned on the prosecutor's charges, counsel is appointed if needed, bail is set, and a preliminary hearing is scheduled. After arraignment in municipal court cases are assigned to 1 of the 16 preliminary hearing judges and, using a hybrid calendaring system, to 1 of the 29 superior court judges. Each preliminary hearing court is linked to a set of superior court judges, who handle that court's cases after bindover.

Each superior court judge is also associated with a three-attorney trial team. The calendar deputy, the supervisor for each team, receives felony cases shortly after the municipal court arraignment. The calendar deputy assigns a member of the team to handle the preliminary hearing, handles all plea discussions, and assigns cases for trial if the defendant does not plead guilty.

At the preliminary hearing--held within 10 court days of initial appearance--probable cause is established and a superior court arraignment date is set. At arraignment the defendant is given a copy of the information and a transcript of the preliminary hearing. Four to six weeks later the pretrial conference is held, at which the judge inquires whether the case can be settled. If so, a guilty plea is entered and sentencing occurs 4 weeks later. The superior court arraignment and all substantive plea discussions are handled by the calendar deputy.

If a trial is required it is held within 60 days of the superior court arraignment, provided the defendant has not waived his right to a speedy trial. Four weeks after a guilty verdict, sentence is imposed by the judge. Presentence investigation reports are prepared by the probation department.

The district attorney's written policy requires that a prosecutor, preferably the trial attorney, be present at sentencing. The prosecutor is expected to take a position regarding the sentence, justify that position, and ensure the appearance of the victim, who is allowed to speak at the hearing.

The district attorney's office has a written case settlement policy, which serves as a guide for deputies during plea negotiations. As a general rule a felony defendant must plead to the crime charged unless the evidence, as required by law, is insufficient for conviction. In addition cases that fall under Proposition 8, an amendment to the State constitution that disallows discussion in serious felony cases unless exceptional circumstances exist, may not be bargained after the filing of the information in superior court. Calendar deputies are allowed limited discretion to make sentence commitments. Generally, charges and counts are reviewed, but only to determine how sentence length may be reduced.

Sentence adjustments can be significant if pleas occur early in processing, because by local court rule defendants who plead early may choose any sentencing judge on whom both defense counsel and the prosecutor agree. Also, provisions in the sentencing statutes allow judges to consider early pleading a mitigating factor in sentencing. Judges usually participate in settlement discussions regarding nonviolent offenses by encouraging each side to reach a plea decision. Under certain circumstances judges may also participate in discussions involving the serious felonies restricted under Proposition 8.

Manchester, New Hampshire (Hillsborough County)

County attorney's office

The primary responsibility of the county attorney is the prosecution of all felony cases arising in Hillsborough County. First-degree murders, however, are prosecuted by the State attorney general. The county attorney's office also handles civil complaints filed against the county, reciprocal child-support actions, and misdemeanor appeals that are entitled to trial in superior court. Local prosecutors handle misdemeanor cases originating in the towns in the county, and the city solicitor's office handles the misdemeanors from Manchester.

The police departments of Nashua and Manchester, the county's largest cities, account for the majority of the arrests that are presented to the county attorney. Twenty-seven other police departments bring the remainder.

Twelve attorneys work in the county attorney's office. Cases are assigned to prosecutors according to geographic area: three attorneys handle Nashua's felony cases, two attorneys prosecute Manchester's felonies, and one attorney is responsible for cases originating in the smaller towns.

The two least experienced attorneys are assigned the child-support cases and misdemeanor appeals. Other appeals are handled by one prosecutor, and civil cases are the responsibility of another. All repeat offender cases and most of the grand jury proceedings are the responsibility of one of the most experienced attorneys in the office. Prosecution is vertical after indictment.

Court system

Hillsborough County has a two-tiered judicial system. Misdemeanors, arraignments, and probable cause hearings for felonies are handled in the 10 district courts throughout the county.

New Hampshire has 25 superior court judges, who are supposed to ride circuit to the courts throughout the State. Most of the time the same five judges preside at Hillsborough superior court in Manchester, where all felonies occurring in the county are processed. The superior court facility in Nashua is limited to civil duties.

On an experimental basis a group of cases are being assigned after indictment to two judges, who handle all subsequent proceedings. The rest of the caseload is assigned according to a master calendaring system. Four trial judges, who handle all types of proceedings except motions, and one motions judge rotate courtroom assignments weekly. A clerk announces each morning where the day's proceedings will occur. About 75% of each judge's docket is criminal and the remainder civil.

Felony case processing—arrest through sentencing

Upon arrest the offender is brought to the police station and booked. The next morning arraignment on the complaint presented by the police occurs in district court. At arraignment the charges are read, a bail determination is made, and a date is set for a probable cause hearing, often more than 6 weeks later. Cases have not been reviewed by the county attorney at this point.

The probable cause hearing is usually superceded by a grand jury indictment or no true bill, because according to a State supreme court finding, all defendants must be indicted within 60 days of arrest. The probable cause hearing in district court is suspended once the grand jury hears a case. If the probable cause hearing occurs before the grand jury date, the court decides to bind over the case or dismiss it based on hearsay testimony. Should a judge at a probable cause hearing not find sufficient evidence to bind over the case, the county attorney may still proceed with the grand jury.

Felony complaints are brought to the county attorney's office by a police liaison after arraignment and assigned to attorneys according to the geographic area in which the crime occurred. The assigned prosecutor reviews the case, contacts the arresting police officer if necessary, and drafts an indictment to be presented to the grand jury.

The grand jury consists of 23 members of the community, who deliberate a few days each month for 3-month periods. One prosecutor presents all cases to the grand jury with the exception of rape cases, which are usually handled by the assigned prosecutor. Proceedings before the grand jury are conducted in secret without a court reporter. As in the probable cause hearing, formal rules of evidence do not apply. About 80% of the cases that go through grand jury are initiated by arrest; the remainder are secret indictments based on police investigations. There are no district court proceedings for cases that enter the system on a secret indictment.

The majority of cases presented to the grand jury are true billed. All true bills are given to the court clerk, who files them and sets an arraignment date for superior court. At arraignment, between 2 and 4 weeks after a true bill, the charges are read, counsel is appointed if needed, bail is reviewed, and the defendant responds to the charges, almost always with a not guilty plea. Sometimes the defense waives superior court arraignment if the parties can agree to bail.

After arraignment attorneys receive by mail a structuring notice that indicates the start date for calculating the speedy trial deadline for the case, the open-file discovery deadline, a date by which all pretrial motions must be submitted, and a structuring conference date (4 to 6 weeks after arraignment). At the structuring conference, the attorneys inform the judge of the discovery status, and a trial date and plea negotiation deadline are scheduled. The plea negotiation deadline can vary substantially in relation to the trial date, but it is rarely enforced. According to the speedy trial rule, defendants in jail must be tried within 4 months of indictment, and defendants not incarcerated must be tried within 6 months. These times are often extended.

Preliminary plea discussions often occur at the structuring conference, although they can begin anywhere in the process. Prosecutors formulate their own plea positions in accordance with general office practices. Judges do not routinely participate in plea negotiations. Most plea negotiations revolve around the sentence. A negotiated plea entails an agreement by defense counsel and the prosecutor as to the sentence the prosecutor will recommend in return for a guilty plea. The judge usually accepts the terms. If the judge rejects the negotiated agreement, the defendant can withdraw the plea and request a trial. With a ceiling or cap plea, the State recommends a sentence that is less than what the statutory maximum would be in return for a guilty plea. If the defendant decides to plead "naked," that is, without an agreement, defense and the prosecutor make independent sentence recommendations and the judge makes a determination that cannot exceed the statutory maximum.

About 90% of the cases are disposed by negotiated plea. Almost all trials are by jury. About 30 days after a guilty disposition, a sentencing hearing occurs. Presentence investigations are completed by the probation department for use at sentencing. At sentencing hearings on nonnegotiated pleas or trial convictions, the prosecutor can and does recommend a sentence and might present testimony from the victim.

Manhattan, New York (New York County)

District attorney's office

The New York County district attorney's office prosecutes felonies, misdemeanors, and violations committed by persons age 16 and over in New York County, which covers a geographic area identical to the borough of Manhattan. Juveniles 13-, 14-, and 15-years old are prosecuted as adults for the commission of violent felonies. Arrests are presented by a number of law enforcement agencies, but the majority are generated by the New York City police department.

The office employs close to 450 attorneys. Most attorneys are assigned to one of four divisions: trial (most misdemeanor and felony arrests), investigation (major fraud and racketeering cases), narcotics, and appeals. About two-thirds of the attorneys are assigned to the trial division, which includes six trial bureaus and three special units (career criminals, sex offenses, and certain juvenile crimes). The majority of the office's caseload is handled by the six trial bureaus. Each trial bureau handles both criminal (lower) and supreme (felony) court cases. Within each bureau less experienced attorneys are assigned to criminal court, more experienced attorneys to supreme court.

The office prosecutes supreme court cases vertically, from complaint room screening to final disposition. Screening duties are shared among the six trial bureaus on a 6-day rotating schedule. Cases remain the responsibility of the bureau and the attorney who screened the case and determined the filing charge(s). To facilitate this system of vertical prosecution, two of the six trial bureaus are associated with each of the three supreme court units. Felony arrests carried forward to the supreme court are assigned to the supreme court unit associated with the trial bureau that screened the case.

The most serious criminal court cases are also prosecuted vertically from the complaint room screening stage. The remainder are assigned to assistant attorneys for trial if they are not disposed by the first calendar appearance after arraignment.

Court system

New York City's criminal (lower) court is responsible for the disposition of violations, misdemeanors, and those felony arrests the district attorney determines should be charged as misdemeanors. The criminal court also conducts initial arraignments and determines bail for felony cases. When necessary, the court holds preliminary hearings for felony cases before they are sent to the grand jury.

The criminal court consists of 28 parts (courtrooms): 6 arraignment parts, 6 calendar parts, 11 jury trial parts, 2 bench trial parts, 2 summons parts, and 1 part for the disposition of felony narcotics complaints. The number of sitting judges tends to approximate the number of available court parts.

The supreme court--the felony court in New York State--disposes of felony cases after a grand jury has returned an indictment on felony charges. Staffed by 43 judges, the supreme court consists of 42 parts organized into three units. Each unit consists of a calendar judge and approximately 13 trial judges. The calendar judges dispose of the bulk of the felony court cases; they conduct felony arraignments, take pleas, and determine sentences in cases disposed by plea. If not disposed within 2 weeks, cases are sent to the trial judges for resolution by plea or trial.

Felony case processing—arrest through sentencing

After arrest felony defendants are held at central booking while the arresting officer prepares the necessary papers and presents the case to the district attorney's complaint room for screening. The goal of the office is to screen defendants and have them arraigned within 24 hours of arrest. Prescreening by police is minimal.

The police officers' felony complaints are quickly reviewed by the complaint room supervisor, who separates cases obviously not indictable from those requiring more careful screening by a senior supreme court assistant district attorney. The latter decides whether cases should be presented to the grand jury and prosecuted in supreme court, prosecuted in criminal court as misdemeanors, or investigated further before an indictment decision is made. Very few cases are rejected for prosecution at screening. About a quarter of all felony arrests are ultimately indicted; the remainder are disposed in the criminal court.

The first court appearance is criminal court arraignment, at which bail is determined and counsel is appointed for indigent defendants. Cases designated for supreme court prosecution go directly to the grand jury within a few days after arraignment in criminal court. Under New York State law a defendant who is detained prior to trial must have a preliminary hearing or a true bill vote within 5 days of arrest or be released on personal recognizance. The vast majority of cases designated for supreme court prosecution are presented to the grand jury within this time period and all but a small number of those presented are indicted.

Approximately 2 weeks after indictment defendants are arraigned on the indictment before a calendar judge in supreme court. The case is then reassigned to a trial judge for pretrial motions, hearings, plea, or trial in the event the case is not disposed at arraignment.

Plea discussions are often initiated at supreme court arraignment, and the judge is an active participant. Individual attorneys exercise considerable discretion in determining plea offers. Implicit office policy is to insist on pleas to the top count if certain aggravating circumstances exist (e.g., a defendant is a repeat offender or the crime is serious). Otherwise the plea offer is to a count lower than the top count.

Judges routinely indicate the sentence they will impose if the defendant pleads guilty. Hence the focus of the plea discussion tends to be the sentence. Sentencing in New York State is indeterminate. Defendants must serve the minimum term of their sentence before they are eligible for parole.

Miami, Florida
(11th Judicial District)

State attorney's office

The state attorney for the 11th Judicial Circuit prosecutes all felonies, misdemeanors, municipal and county ordinance violations, and criminal traffic offenses occurring in Dade County. The office is also responsible for juvenile offenses and child-support cases.

The city of Miami police department and the Dade County sheriff's office (the Metro-Dade police department) account for nearly three-quarters of the arrests presented.

Misdemeanors are filed in the county court by the police. The state attorney's office does not screen misdemeanors prior to court filing.

The state attorney's staff includes about 200 attorneys and certified legal interns. About one-third of the attorneys are assigned to the felony trial division, which handles the bulk of the felony cases. The felony trial division is organized into 19 units of 3 or 4 attorneys plus a unit chief. Each unit works with 1 of the 19 circuit (felony) court judges.

In addition, nine attorneys are assigned to the major crime division, which primarily prosecutes capital cases and homicides. Another 30 attorneys are assigned to 8 special units, which prosecute specific serious crimes, such as arson, domestic crime, economic crime, narcotics, organized crime, robbery, sexual battery, and child abuse, and undertake special prosecutions. Twenty attorneys are assigned to handle drunken driving cases, misdemeanors, and other cases in county court.

The prosecution of the majority of felony cases is vertical after screening. New cases are screened in the felony screening unit (17 attorneys), where a determination is made whether to file. Cases that are filed are assigned to the felony trial attorneys, who are responsible for final disposition of the cases. Cases assigned to the special units, however, are prosecuted vertically from screening.

Court system

The county court, the lower court of a two-tiered court system, handles misdemeanors, ordinance violations, traffic offenses, initial appearances for felonies, and civil matters under $2,500. Nine judges working in branch offices of the county court handle misdemeanors, ordinance violations, and traffic offenses. In downtown Miami five judges handle misdemeanor cases and hold initial felony appearances and another four hear drunken driving and criminal traffic cases.

The circuit (felony) court, located in Miami, is responsible for felonies after the initial appearance and for civil matters involving claims of $2,500 or more. Nineteen judges are assigned full time to hear felony cases.

Felony arrests are randomly assigned to circuit court judges prior to screening and charging by the state attorney. Felony cases that are rejected or reduced to misdemeanors are removed from the circuit court calendar. Circuit court judges operate individual calendars.

Felony case processing—arrest through sentencing

Once an arrest is made the defendant is booked at the Dade County jail and the arresting officer prepares an arrest report. Within 24 hours the defendant appears before a county court judge. At this point the case has not been screened by the state attorney's office and the only major issue is the release decision.

Copies of the arrest report are sent to the state attorney's office and to the court clerk. The court clerk randomly assigns the case to one of the circuit court judges and sets an arraignment date in 21 days.

If the state attorney does not file charges within 21 days, the defendant is entitled to a release on his own recognizance or may request an adversarial preliminary hearing if the state requests that the defendant remain incarcerated. The decision to file is normally made within 21 days, and adversarial preliminary hearings are rare.

Felony cases are screened by an attorney in the felony screening unit at a pre-filing conference, which is attended by victims and witnesses. By law in Florida, attorneys must take sworn testimony from material witnesses before filing an information. At the pre-filing conference the case may be "no actioned" (not filed), referred for diversion, filed as a misdemeanor, or filed as a felony.

If the decision is to file felony charges, an information is filed with the circuit court and the defendant is arraigned on the date originally set by the court clerk. At the arraignment the defendant is informed of the charges, counsel is appointed if needed, discovery documents are provided to the defense attorney, and dates are set for motions and trial. Capital cases (first-degree murder), however, must be presented to the grand jury.

Florida's speedy trial rule entitles the defendant to request that the trial be held within 175 days of arrest. After that date, the defendant can petition the court to have the case dismissed. The State then has 10 days in which to prosecute the case.

Plea negotiations usually occur on an informal basis prior to the scheduled trial date. Typically, at the time of the trial defense counsel and the assistant state attorney indicate if a plea has been worked out and inform the judge of the offer. Some judges routinely accept the State's offer, but others routinely make their own offers.

All attorneys must follow the guidelines in the office's plea policy manual when negotiating with defense counsel. Attorneys can exercise some discretion with less serious felonies; cases that involve violence, weapons, or crimes that have statutory mandatory minimum sentences are more closely supervised. The substance of a plea offer is usually the sentence recommendation. Sentences for career criminals and defendants charged with first-degree murder are not generally bargained.

All plea offers must be discussed with the victims, usually at the time of the pre-filing conference. If a victim objects to a proposed plea offer, the case cannot be negotiated without the approval of a supervisor.

To ensure that office policies are followed, a disposition sheet must be filled out for every case and signed by two supervisors. All disposition sheets must contain a narrative explanation of the case disposition. "No actions," nolles, and plea offers that deviate from office policy must be approved by a supervisor.

Minneapolis, Minnesota (Hennepin County)

County attorney's office

The county attorney for Hennepin County has jurisdiction over all felony, juvenile, domestic, and civil cases occurring within the county. Misdemeanor offenses and violations are handled by a city attorney. Thirty-six police departments and the Hennepin County sheriff's department bring cases to the county attorney; the Minneapolis police department accounts for more than 50% of all arrests presented.

The county attorney's office employs about 100 attorneys; approximatey half work in the criminal division. The criminal division consists of the division chief, a calendar assistant, and seven trial teams of four or five attorneys each, plus a team leader. Four of the trial teams specialize in sexual assault, economic crime, child-abuse, and special prosecution cases. Although the specialized units handle some other felonies, the three other teams handle most of the other felony cases. The regular trial teams rotate screening duty daily. Members of the specialized units screen the cases assigned to those units. Prosecution of all cases is vertical from screening through trial.

Court system

Hennepin County has a unified court structure, known as the district court. Five of the 25 district court judges are assigned to the criminal docket for a period of 4 months. Trials are assigned to judges on the basis of availability on the day set for trial. Judges rotate calendar work weekly.

Felony case processing—arrest through sentencing

When an arrest is made the defendant is first processed in the local jail of the municipality where the arrest occurred. Defendants are later transferred to the Hennepin County jail, when the police report is completed. If the defendant remains in custody, the case must be filed in district court within 36 hours, otherwise within 10 days of arrest. The initial release decision is made before screening by the county attorney.

Arrest reports are brought to the county attorney's office by the detective who did the follow-up investigation. The case is recorded, issued a docket number, and assigned to one of the assistants responsible for screening that day's cases. The assistant reviews the written report, interviews the detective, and accepts or rejects the case. About a third of the arrests presented are rejected, some of which are referred to the city attorney for misdemeanor prosecution. If a case is accepted, the assistant prepares a complaint that is then delivered to the clerk of the district court, where it is formally filed.

The initial appearance in district court occurs on the day following filing of the formal complaint. At this appearance the defendant is advised of the charges, bail is set, a defense attorney is appointed if needed, and a date for a probable cause hearing is scheduled. The second appearance is typically a continuance of the first to allow the defense attorney time to review the case. The third routine hearing is the probable cause hearing, held within 28 days of arraignment.

At the hearing the complaint is formally reviewed by the judge and probable cause is determined. At the request of the defense attorney, the hearing can be an adversarial proceeding involving the questioning and cross-examination of witnesses. If probable cause is found, a trial date is set in approximately 30 days.

At the probable cause hearing for cases that are not likely to involve a sentence to prison, the judge will set a pretrial conference date for 2 weeks before the trial date. At pretrial conference the prosecutor and defense attorney will try to negotiate a settlement. Supervising attorneys handle the pretrial conference negotiations.

Plea offers are not normally made until after the probable cause hearing. Defendants may enter a plea before the calendar judge any time prior to trial. Once the case is assigned for trial, the trial judge hears any plea.

On the day of trial a trial judge is assigned on the basis of availability. Cases not assigned are rescheduled for trial within 30 to 60 days. Trials normally last 3 to 4 days, inclusive of time for motions, hearings, and jury selection. Almost all trials are jury trials.

Routine plea offers involve the sentence and are based on the Minnesota sentencing guidelines, which allow trial assistants only a few options. For less serious felonies, assistants can negotiate on the amount of time to be spent in county jail or recommend diversion for first offenders. In some instances charges may be dismissed or reduced. Plea offers that fall outside the recommended guidelines must be approved by the trial team leader. Judges do not routinely deny plea agreements once reached, nor do they become involved in plea negotiations.

New Orleans, Louisiana (Orleans Parish)

District attorney's office

The district attorney for New Orleans has jurisdiction over all State felonies and misdemeanors occurring in Orleans Parish, an area geographically identical to the city of New Orleans. In addition the office is responsible for handling juvenile and child-support cases. The New Orleans police department presents the majority of arrests for prosecution.

The district attorney's office employs about 70 attorneys. Most are assigned to either the magistrate, screening, or trial division. Together, these three divisions handle misdemeanor and felony cases on a horizontal basis. The remaining attorneys handle juvenile, child-support, appeals, and narcotics cases.

The magistrate division, staffed by a chief and five of the most recently hired attorneys, works with the magistrate's section of the court to dispose of misdemeanors and conduct initial proceedings in felony cases.

A chief and nine of the most senior assistants work in the screening division. They determine which cases to accept and play a key role in implementing the office's rigorous charging and no-plea-bargaining policies.

The trial division, made up of 2 co-chiefs and 20 to 22 staff attorneys, is responsible for the felony and misdemeanor cases assigned to the 10 criminal court judges. Two attorneys--one junior, the other more experienced--are assigned to each judge.

Court system

The criminal district court, a unified court, adjudicates all felony and misdemeanor cases under the district attorney's jurisdiction. Once filed with the court clerk's office, misdemeanors are randomly assigned among the court's 10 judges and 5 magistrates. Magistrates are empowered to take misdemeanor pleas and to hear misdemeanor nonjury trials. They also conduct initial felony proceedings--bond hearings, preliminary hearings (on defendant's request), and status hearings.

Felony cases are randomly assigned among the 10 judges by the court clerk after charges are filed. The district attorney's office is legally empowered to schedule both misdemeanor and felony cases.

Felony case processing—arrest through sentencing

Police screening of adult felony arrests is minimal. After arrest the accused are transported to a central lockup and booked. Within hours they appear before a magistrate, who informs them of the arrest charges, advises them of their right to a lawyer and a preliminary hearing, schedules a status hearing, and sets bond. An assistant district attorney from the magistrate division reviews the accused's arrest report and local rap sheet and makes a bond recommendation to the magistrate.

The screening division simultaneously receives a copy of the arrest report and rap sheet, at which point the case is assigned to an assistant. Five of the nine screening assistants review cases on a rotating basis. All arrests occurring on a given day are assigned to one of the five assistants--except for homicides, robberies, rapes, and narcotics cases, which are screened by four special assistants.

The screening assistant gathers and evaluates evidence for each assigned case, including locating and interviewing witnesses, and determines what charge the office can prove at trial. The screening division rejects somewhat less than 50% of the felony cases presented by police. Virtually all of the cases filed are filed as felonies.

Preliminary hearings to determine probable cause to bind over for a felony trial are held within a few days of the first appearance if requested by the defendant (rare); status hearings, in about 10 days (sooner for jailed defendants). Status hearings determine whether the district attorney has formally filed charges and are continuously rescheduled until filing occurs.

The office files each felony case by submitting a "bill of information" to the court clerk's office. The Louisiana Criminal Code permits 60 days for filing felony cases if the accused is jailed, longer if the accused is on release. On average the time from arrest to completion of screening and filing of charges is closer to 15 days. Once filing occurs the defendant is arraigned in district court within about 2 weeks.

The office has an exceptionally rigorous no-plea-bargaining policy. Assistants are required to take the case to trial if defendants do not plead to the charges as filed. Thus the official communication of the district attorney's plea position is the formal reading of charges at arraignment.

Trial assistants are not permitted to discuss pleas unless defense attorneys initiate the conversation. Despite the absence of plea discussions, typically 30% of defendants plead guilty at arraignment. If a defendant does not plead guilty, the case either goes directly to trial or proceeds through the intermediate steps of motions and pretrial conference.

Most pleas are to the top charge. Charge reductions are permitted only if warranted by new evidence. The trial assistant must prepare a memorandum stating the reasons for the proposed reduction, submit it to a trial division co-chief, and secure approval for it. A similar procedure governs assistants' discretion to nolle cases. Adherence to the office's plea and nolle policies is closely monitored.

Trial assistants do not make sentence recommendations, but they orally inform the judge about facts pertinent to the sentencing decision and invoke legislative provisions calling for enhanced sentences for career criminals.

Most judges participate in the plea process by at least indicating the sentence they will impose. However, judges differ significantly in the severity of sentences they will impose and the extent to which they will actively negotiate.

The district attorney stresses moving cases rapidly and for a number of years has had an office policy of moving filed cases from arraignment to trial in 60 days. The office prevents cases from aging by reviewing the oldest cases on the docket each week.

Philadelphia, Pennsylvania (Philadelphia County)

District attorney's office

The Philadelphia district attorney prosecutes all felony and misdemeanor crimes (adult and juvenile) committed in the county of Philadelphia, an area geographically identical to the city. City ordinance violations are handled by a city solicitor.

The Philadelphia police department accounts for virtually all arrests processed by the district attorney.

The district attorney's office employs approximately 215 attorneys. Adult felonies and misdemeanors are handled by eight units in the pretrial and trial divisions. The charging unit (10 attorneys) screens both felonies and misdemeanors prior to court filing. The municipal (lower) court unit (25 attorneys) is responsible for the disposition of misdemeanors and the initial arraignment and preliminary hearing for most felony cases. The disposition of felony cases in the court of common pleas (felony court) is handled by the waiver unit (17 attorneys), the jury trial unit (35 attorneys), and 4 special prosecution units: homicide (24 attorneys), rape (8 attorneys), career criminal (6 attorneys), and child abuse (4 attorneys).

Municipal court attorneys are rotated on a weekly basis among the preliminary hearing and municipal courtrooms. The waiver unit attorneys are also assigned to courtrooms on a weekly basis, although the office attempts to keep the same attorneys in the same courtroom for longer periods. In the jury trial unit cases are assigned to attorneys after bindover from municipal court. Prosecution in the homicide, career criminal, and other special units is vertical after screening.

Court system

The municipal (lower) court of Philadelphia has jurisdiction over civil matters under $1,000 and misdemeanors, which in Pennsylvania include all criminal offenses that carry a maximum sentence of 5 years or less of incarceration. The municipal court also handles initial arraignments and preliminary hearings for felony crimes. The municipal court has 22 judges, 13 of whom are assigned to criminal work. Criminal judges are rotated weekly among 10 courtrooms (2 for bench warrants and 8 for misdemeanor dispositions) and 5 preliminary hearing rooms (located in police districts). Cases in municipal court are assigned to courtrooms rather than judges.

The Philadelphia court of common pleas (the felony court) has jurisdiction over civil cases of any amount and criminal offenses that carry a penalty of more than 5 years of incarceration (felonies in Pennsylvania). There are 81 common pleas judges; approximately 45 are assigned to criminal cases. Within the criminal system of the common pleas court, there are three programs for disposing of felony cases: homicide, major (jury) trial, and waiver trial. Thirteen judges are assigned to the homicide program, 22 to major trials, and 9 to waiver trials.

The major trial program handles cases in which the defendant may demand a jury trial, and the waiver trial program handles cases in which the right to a jury trial is waived, although many cases are disposed at a bench trial before a judge. In the homicide and major trial programs cases are assigned randomly by calendar judges to other judges after bindover from municipal court. Waiver trial cases are assigned randomly to courtrooms, although judges are assigned to courtrooms for considerable periods of time and are rotated only on an ad hoc basis.

Felony case processing—arrest through sentencing

When an arrest is made the defendant is taken to police central booking in downtown Philadelphia. The police prepare a complaint fact sheet for the district attorney's charging unit, which determines the charges to be filed in municipal court. Very few felony arrests are rejected for prosecution. Typically, by the day after arrest the defendant appears before a municipal court judge for arraignment. The defendant is informed of the charges, bail is set, counsel is appointed if needed, and a preliminary hearing is scheduled for 8 to 10 days later.

All defendants arrested on felony charges appear at a preliminary hearing. Many cases are dismissed or remanded to municipal court for misdemeanor prosecution by the preliminary hearing judge. In homicide and rape cases, vertical prosecution assignments are made as the cases have preliminary hearings. Cases bound over are filed in the court of common pleas and defendants are scheduled for an arraignment on the information in 2 to 3 weeks (typically handled by a trial coordinator rather than a judge).

After the filing of the information a paralegal in the district attorney's office assigns cases, based on office guidelines, to the appropriate trial program (major trial or waiver). In homicide cases, the chief or assistant chief of the district attorney's homicide unit appears daily before the homicide calendar judge to handle arraignments and random assignment of cases to the homicide program judges as they become available for new case assignments. Defendants assigned to the waiver program may object and demand assignment to the major trial program. Judges in the waiver program are viewed as the most lenient sentencers, so defendants rarely request reassignment. The court schedules a "first listing" (the next appearance in common pleas court) on the first available date: the time period depends on the court backlog.

In the waiver program the first listing is the first trial date. Attorneys receive cases the day before trial and contact witnesses the afternoon before the trial date. About half of the waiver program cases are disposed at the first listing. If witnesses fail to appear twice, the case is dismissed.

Waiver unit attorneys have relatively little discretion in negotiating pleas. Attorneys can agree to dismiss lesser charges if the defendant agrees to an open plea (no sentence agreement) before the court. Other negotiations require the approval of a supervisor. Most defendants in the waiver program either go to trial before a judge or agree to an open plea. Pennsylvania's rules of criminal procedure prohibit judges from participating in plea discussions.

In the major trial program cases are assigned to attorneys after arraignment in the court of common pleas. The first listing is a pretrial conference involving an informal exchange of information and discovery. The second listing (trial) can take from 2 to 3 months to a year depending on court congestion (a legitimate reason for delay in Pennsylvania if the State files notification). Typically, defense attorneys will contact the prosecutor to discuss the terms of a plea. The focus of discussions is the sentence recommendation. Prosecutors rarely agree to pleas to lesser charges. All assistant district attorneys rely heavily on the State's sentencing guidelines in developing plea offers. All negotiated pleas require the approval of a supervisor. Similar to the waiver program, most pleas are open pleas. Over half of all dispositions in the major trial unit are by waiver trial or open plea. Generally, judges agree with negotiated plea recommendations that are consistent with the sentencing guidelines.

After conviction sentencing is usually deferred to allow time for the probation department to prepare a presentence investigation report for the judge. Sentences of less than 2 years are usually served in a county institution; sentences of 2 or more years are served in a State prison.

Pittsburgh, Pennsylvania (5th Judicial District)

District attorney's office

The district attorney for the 5th Judicial District has jurisdiction over all adult and juvenile criminal cases arising in Allegheny County. The office is also responsible for moving violations and summary appeals from the magistrate court. The county solicitor's office handles all civil matters for the county, except for Federal habeas corpus cases.

The county includes about 130 municipalities, most of which have their own police forces. The majority of the arrests brought to the district attorney's office are presented by the Pittsburgh police department, however.

Seventy-five attorneys work in the district attorney's office. Six attorneys in the pretrial screening unit prepare all felony and misdemeanor informations and assign cases to the other units. The largest of the other units is the general trial unit; its 32 attorneys prosecute the bulk of the misdemeanor cases. Two of the attorneys in this unit handle juvenile cases and eight handle preliminary hearings for most felonies. The majority of felony cases are assigned to the crimes against person (seven attorneys), theft (six attorneys), narcotics (six attorneys), or homicide (one attorney) units. Other units in the office handle appeals and habeas corpus cases (10 attorneys), white collar crime investigations (2 attorneys work with 17 investigators), and grand jury matters (2 attorneys). The grand jury is used only for its investigative powers, not to indict cases.

Most felony cases are prosecuted vertically after the preliminary hearing, but frequently in very serious cases an attorney will be assigned to handle the case from arrest.

Court system

The court of common pleas (18 judges) is a unified judicial system whose criminal division processes all felony and misdemeanor violations occurring in Allegheny County. The court also has civil, family, and orphan's court divisions.

Local magistrates, 63 of whom are located throughout the county, handle all civil cases up to $3,000 and any criminal cases that carry penalties or fines up to $300 or jail terms up to 90 days. They also hold preliminary arraignments and preliminary hearings for misdemeanors and felonies. The magistrate's office in Pittsburgh is called city court. The county coroner handles preliminary proceedings for murder cases.

Once cases have been held for court (bound over to the court of common pleas) by a magistrate, the criminal division's administrative judge, elected by his peers, assigns a mix of felonies and misdemeanors to the 17 other judges. The criminal judges maintain their own calendars.

Felony case processing—arrest through sentencing

Preliminary arraignments for misdemeanors occur within 6 hours of arrest at the office of the magistrate who has geographic jurisdiction over the offense. If the offense is a felony, the offender is brought to city court in Pittsburgh for the initial proceedings, also within 6 hours. City court operates on a 24-hour schedule, and misdemeanor offenders arrested in outlying localities at night are also brought to Pittsburgh for arraignment.

At preliminary arraignment the magistrate advises the defendant of the charges in the police complaint, sets bond, and schedules a preliminary hearing date for between 3 and 10 days later. Typically, the district attorney's office is not represented at preliminary arraignment. Released defendants have 72 hours to seek an indigency determination. A public defender assesses the eligibility of detained defendants during an interview in jail.

The preliminary hearing is the first adversarial proceeding, at which the magistrate determines if there is a prima facie case against the defendant. Usually the arresting police officer and the victim, if there was one, will testify at the hearing. Court reporters are employed for the more serious cases. Eight regional prosecutors from the general trial unit ride circuit to the area magistrates' offices and are responsible for the preliminary hearings. These attorneys are among the least experienced in the office and are very closely supervised. Part of their responsibility is to dismiss cases that clearly lack prosecutive merit.

If the case is bound over for court, an attorney in the pretrial screening unit assesses the case based on reports collected by a paralegal and interviews the arresting officer and the victim. All attorneys in the unit have had trial experience, and they decide what the charges in the information should be and to what unit the case should be assigned. About 12% of the cases are nolle prossed at this point. The unit also decides if a case should be diverted to the accelerated rehabilitative disposition (ARD) program, which is an option for first-time, nonviolent offenders only. The screening supervisor reviews all the decisions made by the unit.

Formal arraignment in the court of common pleas is set for 45 days after the preliminary hearing, and cases must be screened within that time. Once the screening attorney files the information, the administrative judge assigns the case to one of the criminal judges. The attorney assigned to the case follows the case to the assigned judge.

The court's calendar control office is responsible for the formal arraignment, which is conducted in jail if the defendant has not made bond. Usually only the defendant and a calendar control officer are present. The defendant is read the charges as they appear in the district attorney's information, given the name of the judge assigned to the case, and given a subpoena with a pretrial conference date on it. The defendant must indicate counsel's name at this point.

Pretrial conferences are scheduled for every other Monday. Before the conference, defense counsel will have retrieved all discovery materials. The defendant and counsel, the prosecutor, and the judge are present at the conference, at which the defendant indicates whether a plea will be entered or a jury or bench trial will be requested. Pleas are usually scheduled within a few weeks, and trials are between a few weeks and a few months later. According to the speedy trial rule, defendants in custody must be tried within 180 days of filing of the information, and defendants not in custody must be tried within 365 days.

After a guilty plea or a conviction the judge orders a presentence investigation report if the defendant can be sentenced to more than 2 years of incarceration. Sentencing usually takes place 6 to 10 weeks after disposition. Generally, the prosecutor will only recommend that the judge impose a sentence in line with the State's sentencing guidelines.

For the most part, the office does not plea bargain. A prosecutor may only engage in plea negotiations when a defendant is cooperating in the prosecution of another offender, or when the victim in a very sensitive case is reluctant to endure a trial.

Portland, Oregon (Multnomah County)

District attorney's office

The district attorney of Multnomah County has jurisdiction over all traffic, misdemeanor, and felony offenses occurring within the county. Juvenile matters and child-support enforcement are also handled by the district attorney. The Portland police department accounts for about 73% of the arrests presented.

The district attorney's office employs 67 attorneys. Most are assigned to either the district court (17 attorneys) or circuit court (about 35 attorneys) section.

The district (lower) court deputies, the most junior attorneys, are responsible for misdemeanor and traffic dockets and for initial appearances.

The circuit (felony) court attorneys are organized into six teams: five trial teams and a pretrial unit. The felony trial teams consist of a team leader and two to five deputies. Each team is responsible for the prosecution of particular crimes. The pretrial unit handles arraignments and motions. A family justice division is responsible for juvenile prosecutions, child-support cases, civil commitments, and domestic violence cases.

Felonies are prosecuted vertically. Felony screening duties are shared by trial deputies, and once a deputy issues a complaint, he or she is responsible for that case. Deputies either handle the case directly in court or issue written directives to attorneys who represent the office at court proceedings, such as lower court events.

Court system

The district court is the lower court of the county's two-tiered court system. It handles civil cases involving claims under $10,000 and criminal cases carrying maximum penalties of less than a year in jail and/or a $1,000 fine (misdemeanors). The district court also conducts initial appearances. The 14 district court judges handle criminal matters and may try felony matters on occasion.

The circuit court is a trial court of general jurisdiction. This court handles felonies and civil matters involving claims of $10,000 or more. Of the 19 circuit court judges, 1 is the presiding judge and 18 are general trial judges, who hear both civil and criminal cases. Five of the 18 judges rotate to handle family and probate cases for approximately 2 months each year. One general trial judge handles criminal calendar work on a 2-month rotating basis. If a case goes to trial the presiding judge assigns a trial judge.

When a backlog of felony cases exists (500 or more pending cases) a "fast track" system is triggered whereby two judges' calendars are reserved for criminal matters only. Average time from arrest to trial for all cases is about 60 days.

Felony case processing—arrest through sentencing

Arrestees may be released at the station house by meeting bond requirements, which have been established by the local judiciary. Initial appearance in district court is scheduled within 36 hours of arrest.

Screening occurs about a day after arrest and before the initial district court appearance. When the arresting officer books an individual on felony charges, the arrest papers are given to a detective, who presents the case to a screening deputy in the circuit court section of the district attorney's office on the morning of the initial court appearance. In addition to determining the charge the screening deputy makes decisions about plea offers.

At the initial appearance the judge verifies the defendant's true name, advises the defendant of charges, appoints counsel if needed, determines the defendant's release status, oversees discovery, and schedules a date for a district court report proceeding. At that proceeding the defendant and/or counsel is informed of the status of the case. All cases are presented to the grand jury. If a true bill is returned, the defendant is so informed at the district court report proceeding and the case is scheduled for a circuit court arraignment. If the defendant remains in custody, the district court report proceeding occurs within 5 working days of the initial appearance, otherwise within 7 or 8 days.

At arraignment the true bill is read to the defendant, who enters a plea. A pretrial conference, scheduled about 1 month after the arraignment, is held to discuss plea offers. Most cases are disposed by pleas before the calendar judge, who hands down the sentence. If a defendant does not plead guilty, the presiding judge assigns a judge for trial. Generally, the deputy issuing the felony complaint makes a plea offer, which is given to defense counsel at first appearance in district court and remains in effect through indictment. Subsequent offers are not so favorable. Most pleas are to felony charges and are disposed in the circuit court. Judges do not participate in plea negotiations.

Plea negotiations may involve sentence recommendations and charge and count reductions. Generally, the top charge is not reduced. With the exception of certain cases for which charges cannot be reduced or for which charges may be reduced only with written permission, deputies settle cases within the guidelines of charge-specific policies established by the office.

Rhode Island

Attorney general's office

The attorney general of Rhode Island is responsible for prosecuting all adult felony offenses occurring within the State. Juveniles committing violent felony offenses are prosecuted in family court by a special unit of the attorney general's office. Misdemeanors and ordinance violations are prosecuted by county solicitors.

The attorney general's office employs approximately 40 criminal prosecutors, most of whom are located in Providence. An intake and grand jury unit is staffed by three attorneys in Providence and a few attorneys in "out county" offices. A trial unit is staffed by approximately 28 prosecutors, and a juvenile unit by 5. A major violators unit prosecutes cases involving organized crime and ongoing criminal enterprises. One attorney handles all pretrial conferences. Prosecution is horizontal.

Forty-one law enforcement agencies present felony arrests for prosecution annually; about 50 to 60% are brought by the Providence police department.

Court system

The district court is the lower court of Rhode Island's two-tiered court structure. It is responsible for the initial arraignment and screening conference in felony cases and for the adjudication of misdemeanor offenses.

The superior (felony) court conducts the second arraignment (arraignment on the information) and subsequent court events for felonies. Approximately half of the 27 superior court judges hear criminal cases, at least on a part-time basis. The remaining judges handle civil cases. A master calendaring system is used. One judge handles all cases on the pretrial calendar; cases that are not settled during the pretrial stage are assigned to the trial judges. Trials are by jury only.

Felony case processing—arrest through sentencing

Defendants are arraigned in district court within 48 hours of arrest. Bail is set, a screening conference is scheduled (usually 10 to 15 days later), and if needed, counsel is appointed for the defendant until arraignment on the information in superior court, when claims of indigency are investigated. The district court arraignment is on charges filed by the police in district court. The attorney general's office screens cases after the initial court filing.

Between district court arraignment and the screening conference, police prepare a screening package for the prosecutor, including witness statements, arresting officer's report, investigative reports, and test results. The intake unit prosecutor presides over the screening conference, which is attended by the defense attorney or public defender and a detective from the police department presenting the arrest. Frequently the defendant is encouraged to attend. The prosecutor may choose to accept police charges without changes, reject the charges and file new ones, remand the case to district court for misdemeanor prosecution, or drop the case altogether. Dropped cases are sent back to the district court for dismissal. At screening about 20% of the felony arrests are dropped and the remainder are sent to the superior court for felony prosecution. Misdemeanor prosecution is infrequent. The only cases not scheduled for a screening conference are those that go to the grand jury. The grand jury must be used in capital cases.

If the prosecutor elects to charge the case as a felony, a bill of information is filed in the superior court and a date is set for the appearance of the defendant at an arraignment on the information. The arraignment usually occurs about 4 weeks after screening for defendants in custody and in 6 weeks for those on release.

At arraignment on the information in superior court the defendant is advised of the charges, bail requirements are reviewed, and a pretrial conference is scheduled for about 1 month later. All cases are handled by a single calendar attorney from arraignment through the pretrial conference.

Prosecutors may make a plea offer at the screening conference if the case is routine. Generally, however, plea offers are made by the calendar attorney at the pretrial conference, which may be continued several times before the case is disposed or set for trial. Defendants who plead later do not receive a more advantageous offer than that made by the calendar prosecutor. Plea offers are not given with a definite expiration date, however.

At the pretrial conference the vast majority of cases are disposed by plea. The plea agreement is reached among the prosecutor, judge, and defense counsel in chambers. It is fully binding on all parties. The plea negotiation process, which generally focuses on the sentence, is constrained by the State supreme court's sentencing guidelines, which limit the latitude of the prosecutor and judge in most instances.

Cases in which defendants refuse plea offers are scheduled for trial. Cases are assigned to individual trial attorneys when a trial date has been set. A conference is frequently held before the trial date for a second round of plea negotiations. If the second plea negotiation is unsuccessful, the case proceeds to trial. For defendants convicted at trial the prosecutor almost always makes a sentence recommendation based on the sentencing guidelines adopted by the State's supreme court.

Riverside, California (Riverside County)

District attorney's office

The district attorney for Riverside County has jurisdiction over the prosecution of all felony and misdemeanor offenses arising in the county. County ordinance violations, juvenile matters, and family-support enforcement are also handled by the district attorney. City attorneys prosecute city ordinance violations. The Riverside sheriff's department and the Riverside city police department account for nearly 70% of the arrests presented for prosecution.

The district attorney's office has two criminal divisions: The western division handles approximately two-thirds of the felony caseload, and the eastern division prosecutes the remainder. The western division has four branch offices, which are responsible for processing misdemeanors and felonies (through preliminary hearing) in their area. The main office in Riverside handles all misdemeanors and felonies within Riverside, and all felonies bound over from municipal (lower) courts in the western division branch locations. The eastern division has two branch offices and a main office in Indio, which handles all misdemeanors and felonies within Indio and all felony bindovers from the branch offices.

The western division is organized into a juvenile section, a criminal branch, and an economic crime section. The criminal branch, which handles most of the adult felony arrests, has four divisions: filings and preliminary hearings, misdemeanor and branch operations, superior (felony) court, and special prosecution. Cases are prosecuted vertically in the special prosecution unit, which handles sexual assault, career criminal, and major narcotics prosecutions. All other cases are prosecuted horizontally.

The eastern criminal branch has municipal and superior court divisions. A special juvenile section reports to the superior court division there.

Approximately 80 attorneys staff the two criminal divisions. Nearly 70% are located in the western division—about 6 attorneys are assigned to filings and preliminary hearings, 15 to misdemeanor and branch operations, 13 to superior court, 8 to special prosecutions, 4 to juvenile cases, and 4 to economic crimes. Each section is directed by a supervisor. In the eastern division five attorneys are located in branch offices, five are assigned to municipal court, seven to superior court, one to the juvenile section, and one deputy is in charge of the administration of the division.

Court system

The municipal court is the lower court of the county's two-tiered court system. It has jurisdiction over civil cases under $25,000, small claims, misdemeanors, and felonies through preliminary hearing. Sixteen judges and three commissioners staff the municipal courts. In the city of Riverside, one judge handles preliminary hearings. In the branches of the western division eight judges (two in each) rotate this responsibility. In the eastern division preliminary hearings are held once a week.

The superior courts hear all felonies after bindover, civil cases over $25,000, juvenile cases, and family-law cases. The superior courts are staffed by 21 judges and 4 commissioners. In the western division there are six criminal trial judges and a calendar judge, who handles felony arraignments. Six superior court judges in the eastern division split criminal and civil responsibilities. Calendar judges in each superior court assign felonies randomly to the criminal trial judges.

Except as noted, the remainder of this description refers to procedures in the western division, which processes most of the felony cases.

Felony case processing—arrest through sentencing

Following an arrest law enforcement officers use a standardized bail schedule to determine and set bail. If they set a bail amount higher than the scheduled amount, they must file a petition with the municipal court.

Prior to the initial appearance in municipal court the arresting officer or a liaison officer presents the case to the office's filing and preliminary hearing section for felony screening. Most filing decisions are made by individual deputies and guided by the uniform crime charging standards developed by the California District Attorneys' Association. Homicide arrests are reviewed collectively by the supervising deputies in the office. At screening approximately 24% of all felony arrests are rejected and more than 30% are filed as misdemeanors.

Initial appearance before a municipal court judge occurs within 3 working days of arrest for arrestees in custody and within 3 weeks for released defendants. The charges are reviewed and a preliminary hearing is scheduled. Prosecutors are not present at initial appearance.

For cases prosecuted horizontally, the deputy district attorney assigned to each municipal court represents the office at the preliminary hearing, which occurs within 10 court days of the initial appearance for persons in custody and within 60 calendar days for released defendants. Cases prosecuted vertically are represented by the deputy assigned to the case at filing. At the hearing probable cause is established, misdemeanor and felony pleas are accepted (although persons pleading to felonies in municipal court must be sentenced in superior court), and superior court arraignment dates are assigned. In the city of Riverside the supervising deputy reviews all plea offers and prepares the necessary documentation if a case is to be bound over to superior court. In the branches the municipal court deputy is also the supervisor, who files and negotiates cases. Ultimate review of events at the preliminary hearing is the responsibility of the deputy in charge of all municipal and branch operations.

Close to 30% of all felony arrests are bound over to the superior court. At arraignment, which occurs within 15 days of the preliminary hearing, pleas are accepted or, if necessary, trial court assignments are set. For all cases prosecuted horizontally, the head arraignment deputy reviews the preliminary hearing memorandum prepared by the deputy in charge of preliminary hearings and directs preparation of the information. The arraignment deputy is the only one who can sign informations or negotiate pleas at that point. For cases processed vertically by the special prosecution unit, the deputy assigned at screening is in charge of filing informations and negotiating pleas at superior court arraignment.

Superior court arraignment is the point at which final plea offers are made; if a case cannot be resolved by plea at this point, it is considered trial bound. Three trial teams assigned to the superior court handle cases prosecuted horizontally. Each is supervised by a head deputy. Cases are assigned to specific prosecutors for trial following assignment of a trial court. The head deputies of the three teams meet with the arraignment deputy, who has a major role in recommending a particular attorney for trial.

Following superior court arraignment a trial readiness calendar (TRC), equivalent to a pretrial conference, occurs. At the superior court TRC only the trial status of the case is discussed; it is not a time for accepting guilty pleas. Trials follow the TRC, usually within 60 days of arraignment.

At sentencing prosecutors usually speak, but they generally refrain from recommending a ceiling on the sentence unless a previous arrangement has been made with the judge.

Plea bargains in Riverside are called case settlements. The first offer is made before preliminary hearing by the supervising deputy in the branch or main office. That offer is withdrawn as soon as the first witness is called. Any offer made after the preliminary hearing takes into account the assessment of the case by the preliminary hearing deputy, but theoretically, it is less generous than the earlier offer.

The arraignment deputies in the main offices are responsible for authorizing offers made at superior court arraignment. Technically, felonies that are covered under Proposition 8, a constitutional amendment that disallows discussion in serious felony cases unless exceptional circumstances exist, cannot be bargained after filing of the information in superior court.

Case settlement discussions generally focus on sentencing. Discussions of incarceration time concern whether the defendant will receive the low, middle, or high end of the incarceration time specified for the offense in the State's statutory sentencing guidelines. Judges actively participate in sentencing discussions by indicating the sentence they are likely to give. The superior court arraignment judge in Riverside will continue cases in an effort to encourage pleading.

St. Louis, Missouri

Circuit attorney's office

The St. Louis circuit attorney prosecutes State traffic, misdemeanor, and felony arrests of persons 17 and over occurring in the city of St. Louis. The office is also responsible for child-support cases. Felony arrests are presented by the St. Louis city police department. Police refer city ordinance offenses, which include minor misdemeanors, to the St. Louis city counselor, who prosecutes them in the local city court.

The circuit attorney's office employs 39 attorneys (including 1 part-time attorney). Three of the attorneys handle child-support cases; the remainder are responsible for misdemeanor and felony cases. Felony cases are prosecuted vertically: attorneys screen felony cases on a rotating basis (weekly) and are responsible for the cases they screen after bindover or indictment. Less experienced attorneys screen misdemeanors.

In the circuit (felony) court section 2 attorneys prosecute the less serious felonies, and 20 of the most experienced attorneys prosecute the more serious ones. Felony proceedings (bond arraignments, preliminary hearings, grand jury presentments) in the associate circuit (lower) court section are conducted by three attorneys, on a horizontal basis. Two other associate circuit court attorneys handle misdemeanors.

Staff holding administrative positions include the circuit attorney, first assistant, chief trial counsel, and the chief warrant (screening) officer.

Court system

The St. Louis circuit court, a unified court, has jurisdiction over civil matters and misdemeanors and felonies brought by the circuit attorney. The associate circuit (lower) court section is responsible for misdemeanors and initial proceedings in felony cases. The circuit (felony) court section handles felony cases after bindover or indictment.

Three of the associate circuit court's seven judges handle criminal matters. They issue warrants and conduct initial bond arraignments for all cases, handle misdemeanor pleas and trials (bench and jury), and hold preliminary hearings for felony cases.

In the circuit court section 9 of 21 judges are assigned to handle felony cases after bindover or indictment. One judge handles the less serious felonies, as designated by the circuit attorney. The more serious felony cases are handled by a circuit court assignment judge until the defense and prosecution indicate they are ready to settle the case or go to trial. Cases are then randomly assigned to other judges, who take pleas and conduct trials.

Felony case processing—arrest through sentencing

Arrests must be presented by police to the circuit attorney's warrant office for screening and filing of charges within 20 hours. If the arrest is approved by the screening attorney, the associate circuit court issues a warrant, at which point the arrest is official. The attorneys who screen felonies for which warrants are subsequently issued are typically assigned those cases for circuit court prosecution on bindover or indictment.

At screening attorneys read the police report and interview the arresting officer. Victims and witnesses are required to be present during screening of felony cases so that the extent of their cooperation can be determined.

Half or more of the felony arrests presented are rejected; most of the remainder are filed as felonies. Very few felonies are filed as misdemeanors. After felony warrants have been obtained in court, the screening attorneys decide whether to schedule cases for a preliminary hearing or to present them to the grand jury.

The first court appearance is a bond arraignment, held a day or two after arrest. At bond arraignment the defendant is informed of the charges, arrangements for counsel are made, and a date is set (2 to 6 weeks later) for the preliminary hearing or grand jury presentment. Prior to the preliminary hearing or grand jury presentment, civilian and police witnesses are contacted by the office, informed when and where to appear, and rated according to their availability and willingness to cooperate.

Cases bound over at the preliminary hearing or indicted by the grand jury are subsequently filed (within 1 or 2 days) with the circuit court section, which holds an initial felony arraignment. At this point discovery occurs and a trial date is set. Approximately 70% of initial felony filings are bound over to the circuit court section for disposition.

After bindover or indictment but prior to felony arraignment, the chief trial assistant determines whether cases should be disposed in the court section handling the less serious felonies or the section handling more serious cases. The assignment judge generally approves the decision of the chief trial assistant, who then assigns cases to individual attorneys. Office plea policy requires that defendants plead to the top charge unless new information is revealed by the defense attorney. The most important aspect of the plea offer concerns the sentence recommendation the attorney makes to the judge. Such recommendations are tightly controlled and must be approved by the first assistant, the chief trial assistant, or the chief trial counsel before they are communicated to the defense. Deviation from the original sentence recommendation also must be approved.

Attorneys always recommend incarceration; the "offer" relates to the term of incarceration. By law judges are not to engage in sentence or charge bargaining. If the judge imposes a more severe sentence than that recommended by the prosecuting attorney, the defendant may withdraw the plea.

San Diego, California (San Diego County)

District attorney's office

The district attorney for San Diego County has jurisdiction over all felonies occurring within the county and over misdemeanors in the unincorporated areas of the county. The San Diego city attorney handles misdemeanors and traffic offenses occurring in San Diego.

More than 37 law enforcement agencies present arrests to the district attorney; the San Diego city police department accounts for most of them.

The district attorney's office has 190 attorneys (all career prosecutors), most of whom are assigned to the various sections of the criminal division. Deputies working in the municipal court section handle misdemeanors and initial felony proceedings in the outlying district courts. These prosecutors are closely supervised and their discretion limited.

The superior court deputies, organized into five-member teams, handle cases that are bound over for felony prosecution. Like their lower court counterparts, their discretion is circumscribed: A panel of senior attorneys reviews each bindover and suggests a disposition before the superior court division chief assigns the case to a deputy. Major deviations from the panel's decisions must be authorized. Except for homicides and sexual assaults, prosecution is horizontal.

In the downtown office 11 deputies work on initial felony proceedings in the municipal court and 30 work in the superior court division. About 61 attorneys are assigned to three branch offices, which serve the outlying municipal and superior courts in those locations.

Other office assignments include intake (5 attorneys), juvenile matters (18), pretrial litigation and misdemeanor appeals (10), career criminal unit (6), the fraud unit (10), child-abuse cases (8), family support (10), narcotics unit (5), gang prosecution (4), special operations (8), and training (2).

Court system

The county has two separate court systems. The municipal (lower) court handles civil cases (under $15,000), traffic offenses, misdemeanors, and initial felony proceedings (initial appearances, bail hearings, and preliminary hearings). The lower court judges are also empowered to take felony pleas, impose felony sentences, and sit as superior court judges (by assignment) to conduct felony trials.

Four municipal court judicial districts serve the county. Each is independent of the other and of the superior court, which is the felony court of San Diego County.

The superior court handles felony cases bound over by municipal court preliminary hearings. The court also hears civil matters involving $15,000 or more.

Both the municipal and superior courts operate physically separate courts at several locations around the county. About 26 municipal court judges and 16 superior court judges serve in the outlying areas. The largest courts are those located in downtown San Diego. The downtown municipal court has 24 judges, who hear both civil and criminal cases. The downtown superior court has 41 judges. Two judges handle only civil matters, eight handle only criminal, and the remainder hear both civil and criminal cases. Six judges hear family matters on a rotating basis. A master calendaring system is used to process criminal cases. One judge handles felony arraignments and other readiness conferences. After the readiness conference the presiding judge, who is elected annually by the other judges, assigns cases to trial judges.

Felony case processing—arrest through sentencing

Police prescreen arrests before they present them to the prosecutor. According to California Offender-Based Transaction Statistics, about 20% of felony arrests are dropped by police. Arrestees not screened out may post bond at the jail. Defendants who make bail must appear in municipal court on a given date, usually within a few weeks. Arrestees in custody are formally charged within 3 working days.

Prior to the initial appearance in municipal court, a deputy in the intake unit reviews the case, primarily on the basis of written materials submitted by a detective. All decisions made by the intake deputies are reviewed by the chief deputy of the intake unit. (Homicide and sexual assault cases are immediately assigned to a superior court deputy for screening and vertical prosecution.)

At the initial appearance in municipal court the defendant is notified of the prosecutor's charges, advised of his or her rights, assigned counsel if needed, and asked for a plea (always "not guilty"). In addition the judge reviews the defendant's release status and sets two dates, one for a settlement conference (if requested by the defense) and one for the preliminary hearing. After the initial appearance the chief deputy of the municipal court reviews all cases and assigns them to municipal court deputies. About 60% of the felony caseload is disposed in municipal court, and all of the dispositions are either specified or approved by the chief deputy.

About half of the defendants request a settlement conference. At the conference the judge asks whether a plea agreement has been reached. If so the case is continued for sentencing. Pleas in municipal court may be to misdemeanors or felonies.

Plea negotiations are initiated prior to the settlement conference in municipal court. The office has a rigorous plea policy, which includes several review procedures. Offers issued by the prosecutor must be approved by a supervisor. The office discourages sentence concessions, and deputies are held accountable for their plea decisions. The judge may become involved in the negotiation process during the settlement conference by informing the attorneys of his views.

If a case is not settled by plea agreement, the preliminary hearing occurs. In each case for which probable cause is found at the preliminary hearing, the preliminary hearing deputy prepares a worksheet that summarizes the facts and the evidence and provides a history of plea negotiations. The worksheet is reviewed by a panel of senior deputies, who indicate acceptable dispositions in superior court. The case is then assigned to a superior court deputy for disposition.

In superior court the defendant is arraigned on the information. The judge sets a readiness conference date (2 weeks before the trial date) and a trial date (within 60 days of the filing of the information).

At the readiness conference the judge inquires whether a plea agreement has been reached. (After the readiness conference plea negotiations are supposed to cease.) If the defendant pleads, the case is assigned to a judge for sentencing. If no plea is entered, the case is sent to the presiding judge for assignment to a trial judge. In the event of a conviction, sentencing is scheduled approximately 1 month after trial. Sentences are determinate.

Springfield, Massachusetts (Hampden County)

District attorney's office

The district attorney exercises jurisdiction over all adult and juvenile felony cases occurring in Hampden County. Civil responsibilities include forfeitures.

Each of the 23 towns in the county employs a local prosecutor to handle misdemeanors in the local district (lower) courts. Assistant district attorneys work primarily in the Springfield district court, but they routinely travel to the satellite courts to handle the more serious misdemeanor cases and preliminary felony proceedings.

Each of the towns in the county has at least a part-time police officer, but the Springfield department presents the majority of arrests to the office. A special State police unit is assigned to the district attorney's office to conduct independent investigations and assist smaller towns with investigations in serious cases.

Approximately 45 attorneys work in the office; roughly half are assigned to district court and the others to superior (felony) court. Attorneys in the district court division rotate two-week assignments to screening and arraignments, bench trials and motions, conferences, jury-of-six trials, and juvenile cases. The division also has three attorneys who cover child-support cases and two attorneys who are assigned child-abuse cases, which are often prosecuted in superior court.

Superior court attorneys for the most part are not assigned to specialized units. Two attorneys usually handle all grand jury proceedings, except when another attorney has done extensive investigation on a case. After indictment prosecution is vertical.

Court system

The lower court of Hampden County's two-tiered judicial system, the district court, has jurisdiction over initial felony proceedings and misdemeanor and felony offenses that involve a penalty of up to 30 months in the House of Correction. The Springfield district court handles offenses originating in the city and in several nearby towns. It is the busiest district court in the county. Four other district courts are responsible for offenses occurring in the remaining towns in the county. The Springfield district court's schedule is maintained by the clerk's office.

One superior court has jurisdiction over all felonies and misdemeanors occurring in Hampden County. Usually, however, misdemeanors are processed in district court unless the defendant has a case pending in superior court.

The superior court judges, like the district court judges, ride circuit primarily in the western part of the State. There are six courtrooms in Hampden County superior court--one for civil motions, one for civil trials, and two or three for felony trials and other felony proceedings. Judges are assigned to courtrooms for month-long sessions. The judge in courtroom 1 assigns cases on the basis of the trial list prepared by the district attorney's list manager. The assignment judge often sits for a 3-month period.

Felony case processing—arrest through sentencing

After arrest the defendant is booked and arraigned in district court on the charges in the complaint. Arraignment usually occurs the day after arrest, but if an arrest occurs on the weekend and the defendant can make bail as set by a magistrate at the jail, arraignment occurs on Monday.

Every morning before arraignment Springfield district court prosecutors review all arrests made the previous day in the city. Screening attorneys frequently amend the arresting charges before filing a complaint with the clerk's office. They also decide whether to bring a case to the grand jury or prosecute it in the district court. Serious cases are usually brought immediately to the attention of the grand jury unit in order to expedite the indictment process.

At arraignment, charges are read and bond is set. The defendant is usually interviewed by a probation officer on the day of arraignment to determine if defense counsel should be appointed.

After district court arraignment a conference date occurs 10 days later if the defendant is in custody or about 2 months later if the defendant is on bail. If the case is within the jurisdiction of the district court and the prosecutor does not request a probable cause hearing, the defendant will either enter a guilty plea or opt for a jury-of-six or bench trial. The majority of defendants choose jury trials. Until recently, the county had a trial de novo system, whereby defendants could first request a bench trial and if dissatisfied with the disposition request a jury-of-six trial. The de novo system has been eliminated on an experimental basis.

Cases outside the district court's jurisdiction are automatically scheduled for a probable cause hearing. If a felony case is within the district court's jurisdiction, the prosecutor must request a probable cause hearing to bind it over to superior court. By law, any defendant in custody must appear in court every 10 days, so the probable cause hearing will be scheduled within 10 days of the conference. Otherwise it will occur within 2 months. If the judge determines that the case should be bound over to the superior court, the case proceeds to the grand jury. The few defendants who waive grand jury after a probable cause finding are scheduled for arraignment in superior court.

The attorneys assigned to the grand jury often present more inclusive charges to the grand jury than those in the district court complaint. The grand jury consists of 23 people who sit for 3 months, about 2 weeks at a time. A stenographer is present and all testimony is later transcribed. A case can be scheduled for grand jury while the defendant is awaiting the probable cause hearing, which is cancelled if the grand jury acts before the probable cause date.

Indicted cases are assigned a superior court number and a superior court arraignment date is set for a Wednesday 4 to 6 weeks later. Once a case has been indicted by the grand jury, the district attorney assigns it to a superior court prosecutor.

At arraignment charges are read and a court conference date is scheduled for about 7 weeks later. Several attorneys' conferences may occur between the time of the arraignment and court conference to complete discovery and file motions. Defendants need not be present at attorneys' conferences, but they must appear at the court conference. If a guilty plea is not entered at conference, a trial date is set for within 30 to 90 days. If the defendant later decides to enter a guilty plea, a disposition date is set. Usually 8 to 10 months elapse between arraignment and disposition. Defendants have to be tried within 1 year of the superior court arraignment date according to the speedy trial rule.

Plea negotiations almost always focus on what sentence the prosecutor will recommend in return for a guilty plea. The office does not have a formal plea policy, but in general defendants who are charged with serious offenses, are in violation of parole or probation, or have long records will not be able to negotiate with a prosecutor. Negotiations can begin at any point in the process, but they usually occur after the first superior court conference. Prosecutors are required to verify that victims approve of any plea agreement reached. Judges do not routinely participate in plea negotiations, but they usually abide by negotiated agreements.

At sentencing, after a presentence investigation report has been completed by the probation department, the prosecutor and defense will recommend a sentence if no negotiated plea has been reached. Judges almost always sentence within the parameters of the voluntary superior court guidelines, and they provide written explanations for sentences that fall outside the guideline range.

Virginia Beach, Virginia

Commonwealth's attorney's office

The commonwealth's attorney prosecutes all adult felonies occurring within the city of Virginia Beach. The office also handles all juvenile, welfare fraud, and support cases and certain target misdemeanors involving business thefts, bad checks, and shoplifting. The commonwealth's attorney has legal jurisdiction over all misdemeanors, but as a matter of policy most are handled by the police in the general district (lower) court. The office will intervene upon police request and is responsible for misdemeanor appeals to the circuit (felony) court. Virtually all arrests are made by the Virginia Beach city police.

The office employs a total of 16 attorneys, including the commonwealth's attorney and 3 division deputies, who head 3 trial divisions of 4 attorneys each. Trial division A handles general felony cases, targeted misdemeanors, and misdemeanor appeals; B handles general felonies and career criminal cases; and C handles juvenile and welfare fraud cases. The commonwealth's attorney and the three division deputies also handle their own general felony caseloads.

Screening duty rotates daily among all attorneys, except the commonwealth's attorney. Except for specialized cases, such as career criminal, cases are typically assigned to the "duty" attorney who initially screened the case. Prior to final assignment, however, all accepted cases are reviewed by the commonwealth's attorney and the division deputies, who may reassign cases to balance attorney caseloads and distribute the challenging cases.

Court system

The city of Virginia Beach is served by the courts of the 2nd Judicial Circuit of Virginia. In addition to Virginia Beach the 2nd Circuit comprises the counties of Accomack and Northampton. About 80% of the courts' caseload is generated by Virginia Beach. The 2nd Circuit comprises three separate courts staffed by judges and magistrates for the adjudication of criminal and civil cases.

The general district court (a traditional lower court) handles all bond and preliminary hearings for felony cases and is responsible for the disposition of misdemeanors, traffic cases, and civil claims of $1,000 to $7,000. The police file felony cases directly with the court prior to screening by the commonwealth's attorney, and magistrates hold the initial bond hearing. One of five general district court judges handles only criminal matters on a rotating basis (approximately 9 months). The criminal judge spends about 2 days a week on felony cases, including preliminary hearings and the disposition and sentencing of felony arrests disposed as misdemeanors, and 3 days on original misdemeanor cases.

The juvenile and domestic relations court, in addition to traditional juvenile responsibilities, functions as a lower court for felony crimes in which the victim is a juvenile or the victim and defendant are immediate family members. Initial appearances, felony preliminary hearings, and the misdemeanor disposition of the specified crimes are handled in this court. Four judges handle a mixed docket of juvenile and criminal cases, adult preliminary hearings, and civil cases involving juveniles. About half their time is spent on criminal matters.

The circuit (felony) court is responsible for felony cases after preliminary hearing and indictment by the grand jury. Cases can be brought to the circuit court by direct indictment, but the majority proceed through both preliminary hearing and grand jury. The court also has de novo appellate jurisdiction over all appeals from both district courts. Civil responsibilities include concurrent jurisdiction with the general district court over claims of $1,000 to $7,000 and sole jurisdiction over claims greater than $7,000. All six circuit court judges handle criminal and civil dockets; on any given day three judges work on criminal and three on civil matters. Court dockets are prepared by the commonwealth's attorney's office. The deputy court clerk assigns judges on a per event basis the day before each scheduled event. Jury trial and sentencing are the only two events that stay with the same judge.

Felony case processing—arrest through sentencing

Once a defendant is arrested for a felony crime, the police file charges in the appropriate district court within a matter of hours and a magistrate sets bond. For defendants who are not released, the bond decision is reviewed the next day by a district court judge. For all defendants a "determination" date is set within 2 weeks of arrest to allow time for defendants to obtain counsel. At the determination date, a preliminary hearing date is set within 3 or 4 weeks for defendants in jail and within 2 or 3 months for defendants on bond. By local interpretation of State statute there is no constraint on the time between arrest and preliminary hearing.

After the initial court filing by the police, the commonwealth's attorney's office screens all felony cases. According to office policy, police present all cases for screening within 72 hours of arrest. At screening the duty attorney determines whether a case should be dropped or if the office will proceed with a felony prosecution. The vast majority of cases that are dropped are identified at screening. Cases to be dropped are nolle prossed in the district court; in some instances the commonwealth's attorney may recommend that the police and victim pursue the case as a misdemeanor. If the decision is to proceed with felony prosecution, the duty attorney decides what the charges will be. Formal changes in the charges filed by the police, however, are not made until the preliminary hearing, which is the first court appearance involving the prosecutor. After screening all case files go to the commonwealth's attorney and then to the three division chiefs, who review the screening decision and finalize case assignments. Typically, cases are assigned to the attorney who screened the case. The screening attorney will usually get the case file back about a month after screening to begin preparing for the preliminary hearing.

Plea offers are made on most routine felonies by the preliminary hearing date. Offers on serious violent crimes, however, are rarely made at this point. At the preliminary hearing some less serious property crimes may be reduced to misdemeanors, especially if the witness indicates an unwillingness to proceed with a felony prosecution. Routine felony offers are either "plea to a felony with suspended time" or "plea to a felony with time." A substantial number of cases are worked out by the time of the preliminary hearing. For the most part these cases involve no question of guilt or substantial punishment. If a plea agreement is worked out, the defendant may waive the preliminary hearing and the grand jury. The formal plea and sentencing occur in the circuit court.

If no plea agreement is reached, the preliminary hearing is held. Cases certified at the preliminary hearing are then presented to the next grand jury, which meets the first Monday of each month. The afternoon after indictment a docket call is held in circuit court to set a trial date. Trial dates are usually informally determined by the prosecutor and the defense attorney at the time of the preliminary hearing. By State statute a case must go to trial within 5 months of the preliminary hearing if the defendant is in custody and within 9 months if on bond. By local court rule, trials are to be concluded within 90 days of the date of indictment. Defendants do not appear in court until the time of plea or trial. Arraignment on the indictment occurs immediately before plea or trial.

The primary focus of plea discussions is the sentence recommendation. The commonwealth's attorney's policy is that defendants should plead to charges that can be proven, but it allows individual attorneys considerable discretion to work out specific sentence recommendations. If the recommendation is for jail or prison time the prosecutor's recommendation usually specifies the amount of time to be served. In Virginia sentences are indeterminate and provide wide ranges in the time a judge can impose for a specific crime. Thus, defendants are not likely to plead guilty without some information as to the likely sentence. By Virginia supreme court rule, plea agreements are to be worked out by the prosecutor and the defense, and the judge cannot participate. Judges must accept or reject agreements. If an agreement is rejected, the defendant can withdraw the plea and the case is assigned to another judge for trial.

All cases that go to a jury trial are sentenced by the jury. Because the defendant's criminal record cannot be entered as evidence at trial, juries sentence without knowledge of a defendant's criminal history. Defendants who have a long record but whose current offense is a property crime can often receive a more lenient sentence by going to trial than by entering a guilty plea or choosing a bench trial. Nevertheless, the commonwealth's attorney encourages attorneys to persevere with offers they think are appropriate and not worry about the risk of losing at trial.

Washington, D.C.

United States Attorney's Office, Superior Court Division

The superior court division of the U.S. Attorney's Office for the District of Columbia has jurisdiction over local misdemeanors and felonies committed by adults in Washington, D.C. Traffic and petty offenses, ordinance violations, and juvenile cases are handled by the District's corporation counsel. The D.C. metropolitan police department accounts for the vast majority of arrests brought to the office.

The superior court division employs about 100 attorneys. Most are assigned to three sections: grand jury intake section (35 attorneys), felony trial section (49 attorneys), and misdemeanor trial section (30 attorneys). Depending on the nature of the case, attorneys either prosecute cases individually or in teams. In the trial sections, there are 7 misdemeanor and 12 felony II teams of 2 to 3 attorneys each. In addition the felony trial section has 10 attorneys assigned to felony I cases and 6 to chronic offender cases.

Felony I cases, which include first-degree murders, rapes, child sexual abuse cases, and other protracted cases, and cases assigned to the chronic offender unit are prosecuted vertically from the point of arrest. Felony II cases are prosecuted horizontally through indictment and then assigned to individual attorneys. Felony II teams work with specific judges for periods of about 9 months.

Court system

The superior court of the District of Columbia, a unified court, exercises jurisdiction over local misdemeanors and felonies. Sixteen judges staff the superior court's felony branch; 7 staff the misdemeanor branch. All judges maintain individual calendars.

Two of the felony judges handle felony I cases. Two other judges are responsible for cases on the accelerated felony trial calendar (AFTC), defined as cases involving a violent charge and a defendant with a record of violent offenses (primarily chronic offender cases). The felony II cases are assigned to 1 of the 12 felony II judges.

Felony presentment (initial arraignment) and preliminary hearings are conducted by two commissioners. A third commissioner handles misdemeanor arraignments.

Felony case processing--arrest through sentencing

Arrestees taken into custody have their cases screened and filed within a day of arrest. Screening supervisors in one of three units decide whether the case should be no papered, filed as a misdemeanor, or filed as a felony. If law enforcement officers charge a case as a felony I, it is screened by one of the three supervisors in the felony trial division and assigned to an assistant for investigation, indictment, and trial. If the case is charged as a felony II, it will either be reviewed by a staff attorney from the grand jury intake section or, if it is a chronic offender case, by a supervisor in the chronic offender unit. At intake 15 to 20% of felony arrests are rejected for prosecution, and a substantial fraction are filed as misdemeanors.

Felony presentment occurs on the same day as filing. At presentment the commissioner sets bond and schedules the preliminary hearing date (within 10 days for persons in custody and within 20 days for released persons). The assistant prosecutor responsible for the case schedules the grand jury hearing.

Not all cases receive a preliminary hearing. If an indictment is returned before the preliminary hearing date, which happens frequently in uncomplicated cases, the defendant is not entitled to a preliminary hearing. In addition a number of cases scheduled for a grand jury hearing are dismissed or reduced to misdemeanors before that hearing takes place. Approximately 46% of all felony arrests presented by the police ultimately lead to an indictment.

Immediately following the filing of charges, felony I and AFTC cases are assigned randomly to one of the superior court judges who handles those cases and a pre-indictment status conference is scheduled. The conference is used as a forum for expediting guilty pleas. Once indicted, felony II cases are randomly assigned to a felony trial judge by the clerk of the superior court. After judicial assignment the two deputies in the felony trial section assign prosecution of the felony II cases to a member of the felony trial team assigned to that judge.

Following an indictment the defendant is arraigned on the felony charges. After arraignment a status hearing is held to determine the attorneys' progress on the case. Often a plea is entered at this point; if not, the judge usually schedules the trial date. Cases that result in conviction are sentenced within 6 weeks, following the preparation of a presentence investigation report.

If the screening prosecutor decides to offer a plea, a form letter outlining the offer may be prepared at screening and given to the defense attorney at presentment. The offer expires on the date of the preliminary hearing. Routinely, another plea offer is made after indictment, but it is usually less generous than the one prepared at screening. All plea offers must be approved by a supervisor.

Counts and charges are usually included in the plea negotiation process, but the substance of the offer concerns the extent to which the prosecutor will speak at the sentence hearing. Offers usually cover some of the following issues: whether the government will take a position on the need to confine the defendant pending sentencing, whether the prosecutor will oppose a sentence to probation, and (if applicable) whether the prosecutor will oppose incarceration under the Youth Corrections Act. The most substantial concession an attorney can make to the defense is to waive the right to speak at the sentence hearing. The office does not bargain on sentence lengths, which are considered the domain of the judge. The routine recommendation is for "a substantial period" of incarceration (but not actual amounts of time). Judges do not participate in the plea-bargaining process.

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